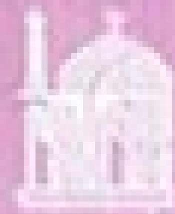


Animals

Welfare Acts and Utilization Limits in Islam

Saeid Nazari Tavakkoli



Translated by:

Ahmad Rezwani

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This book is an auxiliary textbook for the students of Jurisprudence and Fundamentals of Islamic Law. It deals with the Animals welfare amp; utilization based .upon Holy Qur’an and the Sunna

Publishers’ Note

There is no doubt that one of the most fundamental goals of the research institutes and centers is to enhance the scientific potentials of the universities and higher .education centers, which bring together the talented elite

Dealing with this specialized stratum and producing research material for the students to use is the most worthwhile endeavor of these scientific institutions. Similarly, in order to compensate the scientific deficiencies existing in various centers, the universities are to provide these institutes with their new findings so that by developing a viable mutual bond, a productive transaction may ensue and thus, the .theoretical aspects and the fruitful applied results of sciences may emerge

One of the blessed evidences of this research transaction

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in the field of humanities is the cooperation between the Islamic Research Foundation of Astan Quds Razavi and the Organization for Researching and Composing

University Textbooks in the Humanities (SAMT), the Center for Humanities Research and Development. The two institutes have presented their fifteenth joint endeavor to the country's scientific community by the publication of the Persian edition of Animals: Protective Laws and Exploitation Limits in Islam, which is now translated into English.

Holding a PhD in philosophy and besides being familiar with Islamic jurisprudence, philosophy, and mysticism, the writer has for years been dealing with jurisprudential issues and is at present among those making research on bioethics and medical jurisprudence.

The author's works published by The Islamic Research Foundation of Astan Quds Razavi are:

١. Al-Tarqi' wa Zar' al-A'dha' fi Fiqh al-Islami (Arabic) [Organ Transplantation in Islamic Jurisprudence] (١٣٨٠/٢٠٠١)

٢. Payvand A'dha' dar Fiqh-i Islami (Persian) [Organ Transplantation in Islamic Jurisprudence] (١٣٨١/٢٠٠٢)

٣. Hidhanat-i Kudakan dar Fiqh-i Islami (Persian) [Child Custody in Islamic Jurisprudence] (١٣٨۶/٢٠٠٧)

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۶. Hayvanat, Qavanin Himayati wa Hudud- Bahravari dar Islam (Persian) [Animals; Protective Rules and Exploitation Limits in Islam] (Islamic Research Foundation SAMT Publication – ١٣٨٨/٢٠٠٩)

Nazariyya Padayish-i Jahan dar Hikmat-i Yamani wa Hikmat-i Muti'aliya (Persian) [Origins of the Universe in Transcendent Philosophy and the Yamani Wisdom] ((١٣٨٩/٢٠١٠)

This book is originally written as an auxiliary textbook for the

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students of Jurisprudence and Fundamentals of Islamic Law. It is hoped that, besides the academic community, other researchers and those interested in the topic will benefit from it, as well.

The Islamic Research Foundation of Astan Quds Razavi

Preface

Need for health is among the basic needs in human life. Man's physical and mental health is secured by two methods of prevention and treatment. In the first method, the pathogenic factors are diagnosed and rendered inactive, or minimized to the lowest possible level, so that one may go on living with a healthy body and soul. In the second method, however, it is attempted to bring the pathogenic factors under control and, in the best of conditions, destroy it so that one may regain one's health.

Although apparently seem two different ways, hygiene and treatment are supplementary to each other and in any case, the diagnosis of diseases is necessary.

Diagnosing the factors of diseases and the way they function in the body, on the one hand, and the way to neutralize them, on the other, is the main duty of medical science. In order to carry out this essential duty, medicine requires an environment enabling it to recognize the emerging process of the factors of diseases, the way they function, and finally the body's reaction against them; and then, by arranging the hygienic principles and regulations, to eliminate the grounds for their emergence, and in case of emerging, eradicate them.

Naturally, the environment for such discovering cannot be the very body of a

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human being; because, regardless of its contradiction with the objectives of medicine, which include protecting and taking care of man's health, it is incompatible with the

status and self-esteem of human beings, as well. Thus, the need for vivisection of .animals for research purposes is increasingly felt in the medical community

Although the need for laboratory animals is understandable from the very early days that medicine turned from description of disease towards diagnosis of disease; with the passage of time, however, the question was raised, first in the minds of the physicians and then in the minds of the jurists, as to whether man is permitted to jeopardize animals' health in order to maintain their own health condition in the two .areas of health and treatment

It was then that, with the entrance of ethico-judicial thinking into the realm of medical studies and research, the ground was paved for the appearance of a new interdisciplinary science called bio-ethics. The bio-ethics researchers believe that although man's distinguished status among the other creatures allows him to exploit animals for the benefits of advancing medical research but since the animals as creatures of the same system [of creation] also have the right to live, and of course living a healthy life, it is not so obvious that they can be utilized to our own benefits .without any limitations

Such an attitude towards animals led the researchers of bio-ethics to study the utilization of animals in the two legal and ethical fields, and, while reminding the qualifications

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and ethical principles of using the animals, design rules and regulations for keeping .animals and working on them in laboratory environments

Accordingly, the most important bio-ethical duty is the researchers' willingness to accept responsibility for supervising the work on animals. This responsiveness causes medical sciences researchers to be sensitive to the place and conditions, feeding, and hygiene of keeping animals and seriously prevent painful methods in dealing with .them except in specific instances

Now, there is a question before us, albeit in several forms: How is our work with the animals in a laboratory environment assessed from the viewpoint of Islam as one of the great Revealed religions, which has many rules and regulations in different ?human and animal fields

To find an answer, it is inevitable that we first review the Islamic sources including both the Holy Qur'an and the Sunna, and then consider the viewpoints of different .researchers of Islamic sciences

Animals are among the wonders of the world of creation that the Exalted God calls humankind to deliberate on their creation so that, on the one hand, they may find out subtlety of their existence, and on the other, acknowledge the greatness of their :Creator

)(Do they not observe the camel, [to see] how she has been created?(۱)(

As we will explain in detail later on, the Holy Qur'an has approved the love for animals and being delighted in relation with them as a principle, and states the Prophet :Solomon's viewpoint in this respect as follows

When one evening there were displayed before him(

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۱ - The Qur'an, with an English Paraphrase, tr. Sayyid 'Ali Quli Qara'i, the Center for .Translation of the Holy Qur'an, Qum, ۲۰۰۳, ۸۸:۱۷

prancing steeds, he said, "Indeed I have preferred the love of [worldly] niceties to the remembrance of my Lord until [the sun] disappeared behind the [night's] veil. "Bring it)(back for me!" Then he [and others] began to stroke [their] legs and necks.(۱)

The Holy Qur'an also describes the sense of beauty and splendor that humankind :feels of seeing animals as follows

There is in them a beauty for you when you bring them home for rest and when you(

)(drive them forth to pasture.(۲

This pleasant and beautiful feeling of human co-existence with the animals has made .the Infallible Imams (A.S.) to regard some animals as household residents

It is related from Imam al-Sadiq (A.S.) about cats: "A cat is among the residents of the (household."(۳

Therefore, the animals, like human beings, enjoy a kind of status and place to the extent that, on the one hand, God accepts their request and prayer(۴) and withholds the punishment of the human beings for their indecent behaviors for animals' sake,(۵) and on the other hand, human beings are obliged to respect them, as the Holy .(Prophet (S.A.W.) has also viewed the animals as deserving to be greeted (salam

A man went to the Holy Prophet (S.A.W.) and greeted him. The Holy Prophet (S.A.W.) said, "Greetings to you (two)." The man said, "O Apostle of Allah (S.A.W.), I am alone." (The Holy Prophet (S.A.W.) said, "Greetings to you and to your horse."(۶

So also, Imam al-Sadiq (A.S.), not forgetting the animals, raises his hands to the Divine Threshold to

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Q. ۳۸:۳۱-۳۳. There are other possibilities set forth on the meaning of these verses; -۱ see: Saduq, Muhammad b. 'Ali, Man la Yahdhuruhu al-Faqih, ed. 'Ali Akbar Ghaffari, ۴ .vols. ۲nd edition, Jami'a-yi Mudarrisin, Qum, ۱۴۰۴/۱۹۸۴, ۱/۲۰۲, No. ۶۰۶-۶۰۷

.Q. ۱۶:۶ -۲

Tusi, Muhammad b. Hasan, Tahdhib al-Ahkam fi Sharh al-Muqni'a, ed. Akhundi, ۱۰ -۳ .vols. ۴th edition, Dar al-Kutub al-Islamiyya, Tehran, ۱۴۰۶/۱۹۶۸. ۱/۲۲۶, No. ۲۵۶

Kulayni, Muhammad b. Ya'qub, Al-Kafi, ed. 'Ali Akbar Ghaffari, ۸ vols. ۳rd edition, -۴ .Dar al-Kutub al-Islamiyya, Tehran, ۱۳۸۸/۱۹۶۸, ۸/۲۴۶, No. ۳۴۴

.Al-Kafi, ۲/۲۷۶, No. ۳۱ -۵

Rawandi, Fadhlullah, al-Nawadir, ed. Sa'id Ridha 'Ali 'Askari, Dar al-Hadith, - ۶ .۱۴۰۷/۱۹۸۷, p. ۱۹۶

:pray

(I pray in the Divine Presence for you and your beast.(1

Similarly, Imam al-Kazim (A.S.) and Imam al-Baqir (A.S.) would raise their hands to pray for solving the problems of some animals, whether that animal was a devouring (lion or a little bird like a ringdove or a pigeon.(2

It is in such circumstances that the animals like other members of a intimate family enjoy certain rights that the head of the family is obliged to fulfill, while being emotionally protected by him/her.(3) That is why in Islamic texts there is mention .about the rights of animals over their owners

Imam al-Sadiq (A.S.) has enumerated six rights for the animals that the owner is obliged to observe: not to overload them; not to make their back a place for engaging in conversations; to feed them after using them; to let them have access to water; (not to brand them on the face; not to whip their faces.(4

The Commander of the Faithful (A.S.) enjoined his administrators, who were in charge :of collecting zakat (obligatory alms), of upholding moral principles in treating animals

Do not entrust the animals (for shepherding) to anyone except someone who is a well-wisher, God-wary, trustworthy, and watchful; and who is not harsh (on them), nor makes them run too much, nor tires them, nor belabors them... When the trustee takes over the animals, tell him not to separate the she-camel from its young and not .to milk all its milk because that would affect its young

Also, tell him not to

Tusi, Muhammad b. Hasan, Ikhtiyar Ma'rifat al-Rijal, ed. Mahdi Raja'i, Al al-Bayt - ۱ .Institute, Qum, ۱۴۰۴/۱۹۸۳, ۲/۶۸۷, No. ۷۳۰

Rawandi, Sa'id b. Habbat Allah, Al-Khara'ij wa al-Jara'ih, Imam Mahdi Institute, - ۲

Qum, n.d, ۲/۶۴۹-۶۵۰ No. ۱; Tusi, Ibn Hamza, Al-Thaqib fi al-Manaqib, ed. Nabil Ridha 'Alwan, ۲nd edition, Ansariyan Institute, Qum, ۱۴۱۲/۱۹۹۱, p. ۳۹۰, No. ۳۲۰; Saffar, Muhammad b. Hasan, Basa'ir al-Darajat al-Kubra, ed. Muhsin Kuchibaghi, A'lami .Institute, Tehran, ۱۴۰۴/۱۹۸۳, p. ۳۶۴, No. ۱۶

Accordingly, in Islamic traditions, there is talk about stroking the animals: The - ۳ Apostle of Allah (S.A.W.) said, "Maintain relations with animals and stroke them on the forehead and back." Abi Dawud Sajistani, Sulayman b. Ash'ath, Sunan Abi Dawud, ed. .Sa'id Muhammad al-Laham, ۲ vols. Dar al-Fikr, Beirut, ۱۴۱۰/۱۹۹۰, ۱/۵۷۶, No ۲۵۵۳

Al-Mahasin, ۲/۶۲۷, No. ۹۶۳; also see: Rayshahri, Muhammad, Mizan al-Hikma, ۴ vols. -۴ Dar al-Hadith, Qum, ۱۴۱۶/۱۹۹۵, ۱/۷۱۲, No. ۹۸۱

exert it in riding. In this matter, he should behave justly towards camels, especially when riding the ones that are tired or wounded. He should allow camels (who are tired) to rest, and drive with ease those whose hoofs have been rubbed off. When you pass a water spring, stop the camels there for drinking and do not take them away from grasslands to barren paths. When he reaches grasslands, he should allow them (to rest and then and give them time to drink water and eat grass.(۱

Not only the Holy Prophet (S.A.W.) and the Infallible Imams (A.S.) have advised on animals and their rights, but also Islam is the only Divine religion that since its advent, has undertaken to protect animals and declared the sacred territory of Makkah as a safe sanctuary for animals, a place where not only maltreatment of animals is not allowed, but also their hunting, evicting, and startling is declared as haram ((unlawful).(۲

Since the very beginning of Islam, Muslims have always respected the animals and their rights in their day-to-day life and viewed their protection as among their .obligatory duties

For instance, after the Muslims conquered Egypt in ۱۹/۶۴۰, they set out for Alexandria to conquer Rome. The commander of the Muslim Army ('Amr b. 'As) before leaving Egypt ordered to pick up the commander's tent, but he was informed that a ringdove had nested there. The commander backed off from his order and allowed the tent

remain intact. The existence of this tent caused people

۱- Nahj al-Balagha, ed. Muhammad ‘Abdu, ۴ vols. Dar al-Ma‘rifa, Beirut, p. ۳۸۰, letter No. ۲۵.

۲- Ibn Idris Hilli, Muhammad b. Mansur, Al-Sara’ir al-Hawi li Tahrir al-Fatawi, ۳ vols. ۲nd edition, Mu‘assisa-yi Nashr-i Islami Qum, ۱۴۱۰/۱۹۹۰, ۱/۵۶۶; Hilli, Ja‘far b. Hasan, Shara’i‘ al-Islam fi Masa’il al-Halal wa al-Haram, ۴ vols. ۲nd edition, Istiqlal Institute, Tehran, ۱۴۰۹/۱۹۸۸, ۱/۲۲۲.

to gather there and built a city at that location which is still famous by the name Fustat ((tent) and known to be the first city built by Muslims in old Cairo.(۱)

In addition, one of the functions of good practice of endowment,(۲) which has since long ago been confirmed by Islam and implemented by Muslims, is pious endowment for supplying food for animals. Some examples of such pious practice can be found in the endowment deeds preserved in the Astan Quds Razavi Documents Archive.

Some well-wishing pious people have endowed part of their immovable properties to provide food for birds and stray dogs in winter out of their fixed assets.

However, although the present research is not the first with an Islamic approach,(۳) it is attempted to study the animals in three fields of theology, law, and ethics. The writer hopes that the results achieved from all these three fields may somehow clarify the viewpoints of Islam and the Muslim scholars concerning the animals, their rights, as well as the proper behavior of human beings towards them.

Undoubtedly, the path we are treading today will in future resolve the ethico-legal ambiguities of working with animals in a much brighter way through comprehensive researches done by the eminent scholars and researchers.

In conclusion, I draw the respected readers’ attention to two issues:

First: there are different topics in hadith collections concerning animals, which we

have avoided to talk about for the sake of brevity. Some of those topics are as follows: desirability of keeping animals; manners

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.Mas'udi, 'Ali b. al-Husayn, Al-Tanbih wa al-Ishraf, Dar al-Sawi, Cairo, p. ۳۱۰ -۱

What is ment by endowment is that a person leave to others some of his property -۲ .to be spent on charity

The animals' rights from the Islamic point of view has already been studied in -۳ Persian language in several works (articles and books) and it behoves me to express my gratitude and appreciation to them. Some of these works include: Fariduni, Husayn, Barrasi-yi Huquq-i Hayvanat dar Islam wa Qawanin-i Ruz (Ph.D. Dissertation), Tehran University, Faculty of Veterinary Medicine, Academic year ۱۳۴۴/۱۹۶۵-۱۳۴۵/۱۹۶۶, No. ۷۹۷. Ja'fari, Muhammad Taqi, Rasa'il-i Fiqhi (Huquq-i Haywanat dar Fiqh-i Islami), Nashr-i Kiramat Institute, ۱۳۷۷ sh/۱۹۹۸. Na'ini, Dr. 'Aliridha – Rabbani, Dr. Muhammad, Huquq Haywanat az Didgah Qur'an wa Hadith, Majalla-yi Danishvar, VII, No. ۲۶, Winter ۱۳۷۸ sh/۱۹۹۹. Naji Jazayiri, Sayyid Hashim, Himayat az Haywanat dar Islam, ۱st edition, Dar al-Thaqalayn, Qum, ۱۳۷۹ sh/۲۰۰۰. Rashidi, Fariburz, Huquq-i Haywanat, Majalla-yi Dampizishk, V, No. ۱, Fall, ۱۳۸۰/۲۰۰۱ and IV, No. ۳, Spring, ۱۳۸۰ sh/۲۰۰۱. Purmuhammadi, Shima, "Gostara-yi Huquq-i Haywanat dar Islam va Gharb", Majalla-yi Nida-yi Sadiq, X, No. ۳۹ and ۴۰, Winter ۱۳۸۴ sh/۲۰۰۵. Ahmadikhah, 'Ali, "Huquq-i Hayvanhat dar Sira va Sukhan-i Payambar-i A'zam", Majalla-yi Tarikh dar A'inay-yi Pazhuhish, III, No. ۱۱, Fall, ۱۳۸۵ sh/۲۰۰۶. Muqimi Haji, Abu al-Qasim, "Huquq-i Haywanat dar Fiqh-i Islami", Faslnama-yi Fiqh-i Ahl-i Bayt, XII, No. ۴۸, Winter ۱۳۸۵ sh/۲۰۰۶. Kalantari Arsanjani, 'Ali Akbar, "Fiqh-i Shi'a wa Huquq-i Haywanat", Majalla-yi .Fiqh, IX, No. ۳۳-۴۳

of keeping animals; manners and value of keeping different types of horses, donkeys and mules, camels, sheep, dogs, cats, doves, hens, roosters and the necessity of respecting them; manners of training animals, the way to fasten the saddles and bridles, manners of riding animals, variety of the colors of animals and their differences, eating before a dog, impermissibility of killing cats and quadrupeds,

(etc.(١

Second: in this research, the traditions of the Holy Prophet (S.A.W.) and the Infallible Imams (A.S.) existing in the Sunni and Shi'i sources are widely applied. Although in legal researches, it is necessary to examine the traditions before considering their content in terms of their chains of transmission (sanad) in order to come up with a ruling, we did not do this because we trust their authenticity, as most of these traditions, are reliable despite the school of thought of their transmitters, as they (stand to reason and match the generalities existing in the Book and Sunna.(٢

Saeid Nazari Tavakkoli

,Mashhad, Iran

May ٢١, ٢٠٠٧

Discourse One: Theological Studies

Animals' Hereafter Life

point

The life after death and the life Hereafter (hashr) of creatures is among the tenets of all Muslims. The question is set forth by the theologians as to whether animals' life will end by worldly death, or like humans, they will transfer to the other world and enjoy .an immaterial life, too

This is among the most important epistemic (religio-philosophical) questions, because human beings have been wondering since long ago if they can compare themselves with other creatures, especially with animals, and despite the

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For more information, see: Hurr 'Amili. Muhammad Hasan, Wasa'il al-Shi'a ila - ١ Tahsil Masa'il al-Shari'a, ed. Rabbani, ٢٠ vols. Dar Ihya' al-Turath al-'Arabi, Beirut, n.d, .٨/٣٣٩-٣۶٢

See: Majlisi, Muhammad Baqir, Bihar al-Anwar al-Jami'a li Durar Akhbar al-A'immat -٢
.al Athar, ١١٠ vols. ٢nd edition, Mu'assisat al-Wafa, Beirut, ١۴٠٣/١٩٨٢, ۶٢/٣١۶

structural disparity that they have with them, if they will find a way to prove an .essential similarity between themselves and animals

Bringing up the issue of animal's Resurrection in the religious texts provided a suitable ground for rational endeavors, which are discussed in the best way possible by .Muslim exegetes and theologians in exegetical and theo-philosophical sources

Exegetical Studies .١

In aya ٣٨ of Surat al-An'am, the Holy Qur'an first brings up the similarity between humans and animals, and then draws the conclusion that the animals also have :Resurrection

There is no animal on land, nor a bird that flies with its wings, but they are(communities like yourselves. We have not omitted anything from the Book. Then they (will be mustered toward their Lord.)(١

Therefore, we can easily find out why the Holy Qur'an explicitly declares that animal's (hashr is among the definite signs of Resurrection:(٢

(when the wild beasts are mustered).(٣(

Before any talk about the resurrection (hashr) of the animals, it is necessary to clarify the meaning of the word hashr, then clarify what is meant by the similarity of man and .(animal (umammun amthalakum = communities like yourselves

Semantics of Hashr .١.١

Lexical: The word hashr means gathering (mustering) in Arabic(۴) and thus the .١.١.١ gathering place of people is called mahshar.(۵) Since gathering of people together requires their intermingling, the word hashr can be translated as ikhtilat (mixture), (too, which is the concomitant of the lexical meaning.(۶

However, it is to be noted that in Arabic the word hashr is used to imply the meaning of

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۱- Q. ۶:۳۸.

۲- It is worth mentioning that in some philosophical texts, animals' Resurrection has been translated as the Resurrection of human beings in the form of certain animals according to the type of bestial life that they have had in their worldly life; which is, therefore, off the subject; see: Shirazi, Sadr al-Din Muhammad, Mafatih al-Ghayb, ed. Muhammad Khawjawi, Cultural Studies and Research Institute, Tehran, ۱۳۶۳ sh/۱۹۸۴, p. ۶۴۰-۶۴۱.

۳- Q. ۸۱:۵.

۴- Ibn Manzur, Lisan al-ʿArab, ۱۵ vols. Adab al-Hawza, Qum, ۱۴۰۵/۱۹۸۵, ۴/۱۹۰; also, see: Tabari, Muhammad b. Jarir, Jamiʿ al-Bayan ʿan Ta'wil Aya al-Qur'an, ed. Sidqi Jamil al-ʿAttar, ۳۰ vols. Dar al-Fikr, Beirut, ۱۴۱۵/۱۹۹۵, ۳۰/۸۴; Ibn Jawzi, ʿAbd al-Rahman b. ʿAli, Zad al-Masir fi ʿIlm al-Tafsir, ۸ vols. Dar al-Fikr, Beirut, ۱۴۰۷/۱۹۸۶, ۳/۲۶; Ibn Kathir Qurashi, Ismaʿil, Tafsir al-Qur'an al-ʿAzim, ۴ vols. Dar al-Maʿrifa, Beirut. ۱۴۱۲/۱۹۹۲, ۴/۵۰۸.

۵- Harbi, Ibrahim b. Ishaq, Gharib al-Hadith, ed. Sulayman Ibrahim Muhammad al-ʿAyir, ۳ vols. Dar al-Maʿrifa, Jaddeh, ۱۴۰۵/۱۹۸۷, ۱/۲۸۳; Al-ʿAyn, ۳/۹۲; Lisan al-ʿArab, ۴/۱۹۰.

۶- Jamiʿ al-Bayan ʿan Ta'wil Aya al-Qur'an, ۳۰/۸۴; Tafsir al-Qur'an al-ʿAzim, ۴/۵۰۸.

gathering when this action is carried out with a kind of forcing and driving (al-jamʿ maʿ al-sawq = gathering by means of driving);(۱) thus, this word is also used to describe the forced migration of people from their inhabiting place.(۲)

Perhaps it is with such consideration that Allah Almighty has used the two words baththa (scattered) and jamʿ (to gather) in the meaning of scattering and gathering in Surat al-Shura in order to show the presence of the animals in the Hereafter, and takes upon Himself the gathering of animals and to actualize it He uses the word Ghadir (Able, All-Powerful).(۳)

Among His signs is the creation of the heavens and the earth and whatever(creatures He has scattered in them, and He is Able to gather them whenever He (wishes.)(۴

Therefore, translating the word hashr into mawt (death), as presumed in some exegetical texts,(۵) cannot be correct, because in this case it may no longer mean (hashr towards God.(۶

Connotative: What is meant by hashr in religious texts is "to bring out the dead .۲.۱.۱ from the graves and to drive them toward the place of reckoning (judgment)."(۷) Some theologians, however, have applied this word to the first stage of the (Resurrection Day, i.e. bringing the dead to life.(۸

Communal Life of Animals: The statement (There is no animal on land, or a bird .۲.۱ that flies with its wings, but they are communities like yourselves)(۹) denotes that from the viewpoint of the Holy Qur'an animals, like human beings, are communities .((umam

,In Qur'anic terminology

ʿAskari, Abi al-Hilal, Muʿjam al-Furuq al-Lughawiyya, Mu'assisat al-Nashr al- - ۱ Islamiyya, Qum, ۱۴۱۲/۱۹۹۱, p. ۱۸۸, No. ۷۵۱; Turayhi, Fakhr al-Din, Majma' al-Bahrayn, ed. Sayyid Ahmad Husayni, ۴ vols. ۲nd edition, Maktab al-Nashr al-Thiqafat al-Islamiyya, ۱۴۰۸/۱۹۸۸, ۱/۵۱۶; Zubaydi, Muhammad Murtaza, Taj al-ʿArus min Jawahir al-Qamus, ۱۰ vols, Maktibat al-Ihya, Beirut, n.d, ۳/۱۴۱; Faydh al-Qadir Sharh Jami' al-Saghir min Ahadith al-Bashir al-Nadhir, ۱/۵۷ (al-hashr: akhiru man yusaqu ila al- .(madina

Ibn Athir, Al-Mubarak b. Muhammad, Al-Nihaya fi Gharib al-Hadith, ed. Tahir Hamd -۲ al-Zawi, ۵ vols. Dar al-Kutub al-'Ilmiyya, Beirut, ۱۴۱۸/۱۹۹۷, ۱/۳۷۴; Lisan al-'Arab, ۴/۱۹۰; .Taj al-'Arus min Jawahir al-Qamus, ۳/۱۴۱

Tabataba'i, Sayyid Muhammad Husayn, Al-Mizan fi Tafsir al-Qur'an, Ismaʿiliyan -۳ .Institute, Qum, ۱۳۹۳/۱۹۷۳, ۱۸/۵۸

.Q. ۴۲:۲۹ -۴

Tafsir al-Qur'an al-ʿAzim, ۲/۱۳۶ and ۴/۵۰۸; Al-Hakim al-Naysaburi, Al-Mustadrak ala -۵ al-Sahihayn, ed. Dr. Yusif al-Marʿashli, ۴ vols. Dar al-Maʿrifa, Beirut, ۱۴۰۶/۱۹۸۵, ۲/۵۱۵; Manawi, ʻAbd al-Ra'uf, Faydh al-Qadir Sharh Jamiʿ al-Saghir min Ahadith al-Bashir al-Nadhir ed. Ahmad ʻAbd al-Salam, ۶ vols. Dar al-Kutub al-ʻIlmiyya, Beirut, ۱۴۱۵/۱۹۹۴, ۱/۵۷; Jamiʿ al-Bayan ʿan Ta'wil Aya al-Qur'an, ۷/۲۴۹; Zad al-Masir fi ʿIlm al-Tafsir, ۳/۲۶; Qurtubi, Muhammad b. Ahmad, Al-Jamiʿ li Ahkam al-Qur'an, ۲۰ vols. ۲nd edition, Mu'assisat al-Ta'rikh al-ʿArabi, Beirut, ۱۴۰۵/۱۹۸۵, ۱۹/۲۲۹; Shawkani, Muhammad b. ʿAli, Fath al-Qadir al-Jamiʿ bayn Fanni al-Riwaya wa al-Diraya min ʿIlm al-Tafsir, ۵ vols. .ʿAlam al-Kutub, Beirut, n.d., ۵/۳۸۸

Tusi, Muhammad b. Hasan, Al-Tibyan fi Tafsir al-Qur'an, ed. Ahmad Habib Qaysar -۶ ʿAmili, ۱۰ vol. Dar Ihya' al-Turath al-ʿArabi, Beirut, ۱۴۰۹/۱۹۸۹, ۴/۱۳۰; Al-Mizan fi Tafsir al-.Qur'an, ۷/۸۳

Muʿjam al-Furuq al-Lughawiyya, p. ۱۸۹, No. ۷۵۲. Muhaqqiq Lahiji has translated - ۷ hashr as follows: "Hashr means to revive the dead and gather them in that station." Fayyadh Lahiji, ʻAbd al-Razzaq, Gawhar Murad, ed. Zayn al-ʻAbidin Qurbani, Ministry .of Culture's Printing and Publishing Organization, Tehran, ۱۳۷۲ sh/۱۹۹۳, p. ۶۵۵

Iʿadat al-khalq baʿd al-ʿadam wa nashʿatuhum baʿd al-Ramam.", "An tajtamaʿ al-" -۸ ajza' al-asliyyatu baʿda tafaruqiha, fatariddu ilayha al-nufus."; Amidi, ʻAli b. Muhammad, Ghayat al-Maram fi ʻIlm al-Kalam, Dar al-Kutub al-ʻIlmiyya, Beirut, ۱۴۱۳/۱۹۹۲, p. ۲۶۰; Takhti Sanandaji, ʻAbd al-Qadir b. Muhammad, Taqrib al-Maram fi ʻIlm al-Kalam, with additional notes by Faraj Allah Kurdistani, lithography, Egypt, .۱۳۰۴/۱۸۸۶, ۲/۸۷

.Q. ۶:۳۸ -۹

umma is group of people that a single cause, such as religion, path, time, or place has gathered together;(۱) thus, the people who believe in a prophet are regarded as that (prophet's umma.(۲

From the viewpoint of the Holy Qur'an, all people were a single united community, who separated from each other due to the differences arising among them, a (difference that can be resolved through obeying divine prophets.(۳

Since the Holy Qur’an has regarded animals as umma, we are to accept that there has been a kind of identity and unity among the animals in understanding the world of being, reaction to the Creator of being, the quality of life, and the finality and the purpose of life, and this has prompted the application of umma to them.(۴)

۳.۱ . Similarity of Animals and Humankind: It is implied from the phrase umamun amthalukum (communities like yourself) that the hashr of animals is the corollary of their similarity with human beings. Therefore, the question remains to be asked as to what the animals and human beings are identical in that they should be resurrected like human beings.

Although the term amthalukum suggests similarity of animals to humans, it is to be noted that this similarity is not in all aspects (states and affairs), for, it is not possible to ignore the structural and behavioral differences of animals and humans.(۵) Therefore, we are to be looking for a kind of likeness between them.

In explanation of the likeness between animals and humankind, some probabilities are set forth:

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p: ۱۳

۱- Majma‘ al-Bahrayn, ۱/۱۰۸; Al-Mizan fi Tafsir al-Qur'an, ۷/۷۲.

۲- Farahidi, Khalil b. Ahmad, Al-‘Ayn, ed. Mahdi al-Makhzumi, ۸ vols. ۲nd edition, Dar al-Hijra, Qum, ۱۴۰۹/۱۹۸۹, ۸/۴۲۸.

۳- Q. ۱۰:۱۹, ۲:۲۱۳.

۴- Al-‘Ayn, ۸/۴۲۸, Majma‘ al-Bahrayn, ۱/۱۰۸; Al-Tibyan fi Tafsir al-Qur'an, ۴/۱۲۹.

۵- Razi, Fakhr al-Din Muhammad b. ‘Umar, Al-Tafsir al-Kabir, ۳۱ vols. ۳rd edition, Dar Ihya al-Thurath al-‘Arabi, Beirut, n.d, ۱۲/۲۱۳.

Being divine creatures and denoting their Creator(۱)

۲. Needing someone to manage them in different aspects of their life(۲)

۳. Enjoying the capability of recognizing God, accepting the Oneness and worshipping of God(۳)

۴. Capability of grouping and having intra-group likeness and communication(۴)

۵. Stating different aspects of their lives in the Divine Scripture(۵)

۶. Resurrection on the Day of Judgment and gaining one's rights(۶)

۷. God's dispensing justice to them(۷)

۸. Tendency to accept inter-group training(۸)

۹. Existence of some ethical similarities between a group of human beings and animals.(۹)

Although each one of these probabilities per se can be true in explaining likeness of animals to human beings, it does not seem necessary to translate this likeness as a specific behavior or feature common among them; rather, we have to accept that this similarity can be in any area that can be realized in the real world.(۱۰)

۱.۴. Summing Up: Using the word umma about animals as well as amthal to explain the relation between man and animal signifies two points:

Firstly, the animals may be called umma only when a common goal in life can be found for them, whether they themselves have chosen this goal (optional) or the laws of nature have imposed it on them (compulsive). Thus, simply having a proper name and being classified on that basis – as some have claimed(۱۱) – is not sufficient for regarding animals as umma.

Secondly, the likeness of animals and humans is to be viewed at from the perspective that the animals enjoy the same circumstances that lead to

p: ۱۴

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۱ – Bihar al-Anwar, ۷/۲۵۵; Tabarsi, Fadhl b. Husayn, Majma' al-Bayan fi Tafsir al-

.Qur’an, ١٠ vols. Dar Ihya al-Turath al-ʻArabi, ١٣٧٩/١٩۶٠, ۴/١٢٩

.Bihar al-Anwar, ٧/٢۵۵-٢۵۶; Majmaʻ al-Bayan fi Tafsir al-Qur’an, ۴/۴٨-۴٩ -٢

Al-Tafsir al-Kabir, ١٢/٢١٣. To verify this impression, we may refer to the verses in the -٣ Holy Qur’an that sets forth the issue of all creatures’ glorification, such as verse ۴۴ of Surat al-Isra and verse ۴١ of Surat al-Nur, (The seven heavens glorify Him, and the earth] too [, and whoever is in them. There is not a thing but celebrates His praise, but you do not understand their glorification.), (Have you not regarded that Allah is glorified by everyone in the heavens and the earth, and the birds spreading their ;)wings. Each knows his prayer and glorification

.Ibid, ١٢/٢١٣-٢١۴ -۴

.Ibid, ١٢/٢١۴ -۵

.Ibid -۶

.Al-Tibyan fi Tafsir al-Qur'an, ۴//١٢٧ -٧

.Zad al-Masir fi ʻIlm al-Tafsir, ٣/٢۶ -٨

.Al-Jamiʻ li Ahkam al-Qur'an, ۶/۴٢٠ -٩

.Fath al-Ghadir, ٢/١١۴ -١٠

Bihar al-Anwar, ٧/٢۵۵; Tafsir al-Qur'an al-ʻAzim, ٢/١٣۵; Suyuti, Jalal al-Din, Al-Durr -١١ .al-Manthur fi Tafsir bi al-Ma’thur, ۶ vols. Dar al-Fikr, Beirut, ١۴٠٣, ٣/١٠

.human resurrection

For this reason, the similarities of animals and humans cannot be summarized in their common biological characteristics; rather, we have to step beyond this and claim that the same criterion for human resurrection, namely, a kind of consciousness and rational-inner perception that brings about felicity and wretchedness, is also found in animals. Thus, due to their availing of this blessing, their life would not end with death and upon departing from the material world, they would enter an immaterial world (called Hereafter.(١

This is the amazing aspect of animals’ life that the Holy Qur’an enjoins us to :comprehend

And in your creation [too], and whatever animals that He scatters abroad, there are(

(signs for a people who have certainty.)(۲)

۲. Theo–Philosophical Studies

As we noticed, according to religious doctrines, animals have resurrection (hashr), that is, their life would not end with death and, like humans, they would begin a new life in the world to come (the immaterial world after death). It is to be figured out whether we can prove it as true on the grounds of theo-philosophical fundamentals.

۲.۱. Rational Potential of Animal Resurrection: In the process of death – as we feel it – the physical life of a living being stops. That is to say, as soon as its body activities come to a halt, it would give no response to any of the external stimuli. But according to the religious doctrines, death is a gradual process, which is associated with the acceptance of an immaterial dimension (soul). For this reason, death

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۱- See: Al-Mizan fi Tafsir al-Qur'an, ۷/۷۳-۷۴.

۲- Q. ۴:۴۵.

means the disconnection of the soul from the body, which is either the result of the ceasing of physical activities or the cause of it.

As life is defined by the connection of the soul to the body, so also death is defined by the final and permanent disconnection of the spirit from the body. Fakhr al-Rizi wrote in this respect:

Human soul is comprised of a luminous spiritual essence that if connected to the body, its luminosity permeates all organs of the body, and that is [called] life. Then, we say, at the death time its relation would indeed be cut from the outer and inner aspect of the body, and this is [called] death.(۱)

According to the theo-philosophical doctrines, separation of body from soul would take place in two conditions: ۱. Perfection (actualization) of the soul, ۲. Decay (ruined condition) of the body.

When entered the physical world, human soul is purely potential; it actualizes its hidden excellences during the worldly life through the body and by acquiring knowledge and practicing. Naturally, by actualization of the inner human faculties, the soul no longer needs the body, separates from it, and the person dies. On the other hand, when the body loses its capability to hold the soul as a result of ruined condition, the soul departs from the body and the person dies, although the soul has not .achieved its full actualization yet

:Sadr al-Din Shirazi describes the first type of death as follows

The basis of this (natural death) is the soul's getting

.Al-Tafsir al-Kabir, ۲۶/۲۸۴ -۱

independence due to its essential life and gradually giving up using bodily apparatuses until it is fully separated and totally leave the body so as to turn into an (actual entity.(۱

Similarly, Imam al-Sadiq (A.S.) states in response to Hisham b. Hakam concerning the :second type of death

Blood causes freshness of the body, radiance of the skin, fineness of the voice, and (increase of laughter. When the blood circulation stops, the soul will leave the body.(۲

Such a belief about death is ascertained through the Qur'anic teachings. In describing death, the Holy Qur'an frequently uses the word wafaya and its derivatives, which includes such meanings as full grip (taking full hold of something) and a kind of separation (complete disunion), a separation that sometimes God directly ascribes to :(Himself and sometimes to the angel of death (malik al-mawt

Allah takes the souls at the time of their death, and those who have not died in their(sleep. Then He retains those for whom He has ordained death and releases the others until a specified time. There are indeed signs in that for a people who

.)(reflect(۳

Say, "You will be taken away by the angel of death, who has been charged with you.((Then you will be brought back to your Lord.")(۴

According to the religious doctrines, when death happens and the worldly life ends, .the eternal life of man starts in two stages of purgatory and Resurrection

Purgatory or barzakh, which lexically means the buffer between two things, applies to a stage in the

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۱ - - Shirazi, Sadr al-Din Muhammad, Al-Shawahid al-Rububiyya fi al-Manahij al-Sulukiyya, ed. Sayyid Jalal al-Din Ashtiyani, ۳rd edition, Bustan-i Kitab Institute, Qum, .۱۳۸۲ sh/۲۰۰۳, p. ۱۰۵

۲- Tabarsi, Ahmad b. ‘Ali, al-Ihtijaj, ed. Sayyid Muhammad Baqir Khursan, ۲ vols. Dar .al-Nu‘man, Najaf, ۱۳۸۶/۱۹۶۶, ۲/۹۷

۳- .Q. ۳۹:۴۲

۴- .Q. ۳۲:۱۱

otherworldly eternal life lying between the present world and the Resurrection. When gradual physical death occurs, human beings keep living in the world without their physical body but influenced by the physical world until the last of human beings dies and departs from this world. With the termination of human life on earth, the physical world is shattered and the human beings make themselves present to God for .reckoning; this stage is Resurrection

Despite the viewpoints of some Sunni theologians, two views are set forth about the :circumstances of Resurrection

۱. Resurrection of the soul: the advocates of this view believe that only the non-.physical and spiritual aspect of human beings will be present in the Hereafter life

۲. Resurrection of the body: the Resurrection of the body or physical Resurrection, by

its widely known definition, is that man's physical body, which is decomposed due to death and passage of time, is revived again and stand [before Allah] for reckoning.

However, from the viewpoint of Sadr al-Din Shirazi, what is meant by physical Resurrection is the presence of the soul with a non-physical and ethereal body in the Hereafter life.(١)

Anyway, if we accept that what the Holy Qur'an means by the Resurrection of animals and their equality with human beings in this respect is their presence in the Hereafter, we should be able to prove that the animals do have souls (nafs)(٢), a soul that after death and its departure from the physical world, starts its journey toward the Hereafter. Nevertheless, do animals have

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١- For more information, see: Gawhar Murad, p. ٦٣١; Ibn Sina, Husayn 'Abd Allah, Al-Shifa, Ilahiyyat, ed. Ibrahim Madkur, Al-Hay'at al-'Ammat li Shu'un al-Matabi' al-Amiriyya, Cairo, ١٣٨٠-١٩٦٠, p. ٤٢٣; Shirazi, Sadr al-Din Muhammad, Al-Hikmat al-Muti'aliyya fi Asfar al-'Arba'at al-'Aqliyya, ١٠ vols. Mashurat Mustafawi, Qum, ١٣٧٨, ٩/١٦٥; Bihar al-Anwar, ٧/٤٧; Dawani, Muhammad b. Hasan, Sharh al-'Aqa'id al-'Adhudiyya, ٢ vols. Matba'atu 'Uthmaniyya, Istanbul, ١٣١٦/١٨٩٨, ٢/٢٤٧.

٢- Soul or the non-physical aspect of man has various names such as qalb, 'aql, and nafs. Human soul is called qalb because it is transformed when encountered with different accidents. Soul is called aql because its duty is thinking (ta'aqqul) and the brain is the only tool for thinking, that is why although after death the brain is not able to function with the failure of the body, the soul keeps on enjoying perception in the intermediate (purgatory) world (isthmus). Finally, the soul is called nafs when it is related to the material body, because man per se is nothing but a souled body or a body possessing soul.

souls?

Two different answers are given to this question in theo-philosophical texts:

First, no creature except man has immaterial soul.(1) The proponents of this idea believe that although animals possess physical powers (faculties) like those of human beings, they do not have immaterial souls, because for them accepting such a dimension requires accepting the equality of man and animal in an immaterial reality (nature). This, in itself, is followed by equality in behavior, moral characteristics, and acquisition of knowledge, which is definitely not acceptable.(2)

Criticism: Although immateriality (tajarrud) is a negative concept and common between man and animal, it does not mean their equality in all essence (nature),(3) since it can be assumed as a hierarchical concept in which human beings and animals have been placed in two different ranks.

Second, like human beings, animals also possess immaterial souls. The proponents of this theory have relied on rational reasons as well as some Qur'anic verses and sayings of the Holy Prophet (S.A.W.) and the Infallible Imams (A.S.) to prove the existence of immaterial soul in animals:

1. Out-religious (rational) reasons: Discovery of animal behavior indicates the dominance of a kind of rationality in them, as the animals cannot carry out certain well thought-out and calculated tasks without availing rational perception. Animals' availing such a level of rational perception indicates that they possess an immaterial soul (rational soul) which controls (manages) their various material dimensions (body).

2. In-religious (narrated) reasons: Similarly, the religious texts also emphasize the animals' ability to establish verbal communication as well as their

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1- Lexically, mujarrad means bare, which in philosophical discourses is taken to mean immaterial, as any object enjoys time and space and therefore if the object is not devoid of time and space, it will not be material.

2- Taftazani, Mas'ud b. 'Umar, Sharh al-Maqasid, ed. 'Abd al-Rahman 'Umayra, 5 vols. Manshurat al-Sharif al-Radhi, Qum, 1409/1989, 3/252.

3- Ibid.

.understanding and ability to reason and draw inferences

Although the animals' degree of understanding and the ability to perceive is not comparable to that of the human beings, it does not mean that animals' understanding in all cases is lower than that of humans. Scientific evidences indicate the reality that the difference between the physical structure of human beings and animals sometimes provides the ground for the animals to be more perceptive than humans. This scientific reality has not been neglected in religious texts, either. For instance, barking of dogs and braying of donkeys at night shows their awareness of some incidents that are going to take place. These texts warn against being heedless of them and emphasize that these reactions are the result of their perceiving something that the humans are not able to perceive.(۱)

The existence of such an understanding in animals represents their possession of an immaterial soul. The Holy Qur'an points out this understanding in various instances.

- Glorification (of Allah Almighty) by the wise earthly and heavenly creatures:

(Have you not regarded that Allah is glorified by everyone in the heavens and the earth, and the birds spreading their wings? Each knows his prayer and glorification, and Allah knows best what they do.)(۲)

There are two possibilities regarding what the glorification (of Allah Almighty) by animals is meant to be:

۱. Non-verbal glorification: According to this hypothesis, every living creature praises the Lord and describes His characteristics in its own language based on its existential structure;

۲. Verbal glorification: in this view,

۱- See: Bukhari, Muhammad b. Isma'il, Al-Adab al-Mufrad, ed. Muhammad Fu'ad 'Abd al-Baqi, ۲nd edition, Al-Kutub al-Thiqafiya Institute, ۱۴۰۱/۱۹۸۱, pp. ۲۶۳-۲۶۴, No. ۱۲۳۳-۱۲۳۵.

.Q. ۲۴:۴۱ -۲

animals glorify their Lord using their power of understanding and faculty of (perception with the use of speech and sounds.(۱

:Possibility of understanding the birds' speech -

and he [Solomon] said," O people! We have been taught the speech of the birds, ... ((and we have been given out of everything. Indeed this is a manifest advantage.)(۲

Although, in the Holy Qur'an, understanding the speech of the birds is taught to some Divine Messengers, such as David and Solomon, according to what is related in some .tradition texts, the Infallible Imams (A.S.) also possessed this understanding

It is related that a perplexed and frightened sparrow came twittering near Imam al-Ridha (A.S.). The Imam (A.S.) said, "Do you know what it is saying?" "No", they said. He said, "It is telling me that a snake is about to eat its offspring in the house. Stand up and take this rod, go to the house and kill the snake." I [the narrator of the hadith] stood up, took the rod, and entered the house. I saw a snake moving around in the .house and killed it

:The birds chiming in with David

Certainly We gave David a grace from Us: "O mountains and birds, chime in with((him!")(۳

:Deep understanding of the birds

One day] he [Solomon] reviewed the birds, and said, "Why do I not see the hoopoe?](Or is he absent?" "I will surely punish him with a severe punishment, or I will surely behead him, unless he brings a clear-cut excuse." He did not stay for long

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See: Shaykh Baha'i, Muhammad b. Husayn, Miftah al-Falah fi 'Amal al-Yawm wa al- -۱ Layla min al-Wajibat wa al-Mustahabbat wa al-Adab, Mu'assisat al-A'lami, Beirut, p.

.۱۰۱

.Q. ۲۷:۱۶ -۲

.Q. ۳۲:۱۰ -۳

before he turned up] and said, “I have alighted on something which you have not] (alighted on, and I have brought you from Sheba a definite report.)(۱

:Perception of the birds

When they came to the Valley of Ants, an ant said, “O ants! Enter your dwellings, lest((Solomon and his hosts should trample on you while they are unaware.”)(۲

:Innate intelligence in the honeybee

And your Lord inspired the bee [saying]: “Make your home in the mountains, and on((the trees and the trellises that they erect.”)(۳

:The meaning of the sparrow’s song

:Abu Hamza al-Thumali said

One day I was sitting with Imam ‘Ali b. al-Husayn (A.S.) when a flock of sparrows were flying overhead and making noise. Then he said to me, “O Aba Hamza! Do you know what these sparrows are saying?” I said, “No.” He said, “They are glorifying their Lord (and pleading Him for their daily sustenance.”(۴

:The existence of various types of cognizance in animals

Whatever God has kept hidden from animals, there are four features that He has not kept hidden from them: knowing that they have a Creator, knowing how to look for (livelihood, knowing the gender, and fear of death.(۵

The Objective of Resurrection of the Animals: Given the acceptance of the soul .۲.۲ and resurrection od the animals, the question remains to be answered as to what objective God is pursuing for the presence of animals in the Hereafter and their .resurrection

The easiest answer is that either like Ibn Hazm we say, "I do not know"(۶), or like Qadhi

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۱- Q. ۲۷:۲۰-۲۲.

۲- Q. ۲۷:۱۷.

۳- Q. ۱۶:۶۸.

۴- Irbali, 'Ali b. 'Isa, Kashf al-Ghumma fi Ma'rifat al-A'imma, ۳ vols. ۲nd ed. Dar al-Adhwa', ۱۴۰۵/۱۹۸۵, ۲/۷۷.

۵- Kafi, ۶/۵۳۹, No. ۱۱.

۶- Ibn Hazm al-Tahiri, 'Ali b. Ahmad, Al-Fasl fi al-Milal wa al-Ahwa' wa Nihal, ۵ vols., Maktibat al-Khanji, Cairo, ۱/۷۴ and ۳/۷۴.

Adhud Iji we say, "God has no purpose for this."(۱) However, if we seek to find a clear' and convincing answer, we should notice that according to the principle of the similarity between man and animal regarding resurrection, the same reason or reasons that ascertain man's resurrection would prove animal resurrection in the Hereafter, too.

Although taking this issue into consideration would pave the way to find the answer, it would create a new difficulty, too; because, according to the Qur'anic teachings, the human resurrection is aimed at receiving reward (thawab) and punishment ('iqab) for the way they have acted in the world.

Although the world can be a place for rewarding or punishing human beings for their deeds, the material characteristics of the world create a kind of restriction that rules out the possibility to establish a perennial proportion between human function and the kind and degree of reward or punishment they receive. Therefore, the Hereafter, because of its infinite time and space, is a proper place for judging human actions.

(Indeed the Hour is bound to come: I will have it hidden, so that every soul may be rewarded for what it strives for.)(۲)

The otherworldly reward or punishment in the world Hereafter is imaginable only if the person is obliged to follow or to abandon something (a duty) and enjoy a kind of legal responsibility with respect to his conduct. Obviously, this is exclusive to humankind and animals do not have this responsibility. Thus, it is no longer possible to seek

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١ - Jurjani, ‘Ali b. Muhammad, Sharh al-Mawaqif, ٨ vols. Matba‘atu Sa‘ada, Egypt, ١٣٢٥/١٩٠٧, ٨/٢٩۶.

٢- Q. ٢٠:١۵.

a justification for the necessity of animal resurrection through principle of the similarity between man and animal.(١)

Anyway, given the propounding of animal resurrection in religious texts, nevertheless, the Muslim theologians by expressing various views have attempted to study its existence and the way it exists:

٢.١.٢. A Symbolic Move: Some theologians, such as Abu al-Hasan Ash‘ari perceive that the presence of animals in the world to come (Resurrection) is simply a symbolic move which is aimed at reminding humankind of the extreme accuracy in reckoning and fulfillment of justice.(٢)

Naturally, in such a state, the animals no longer need to receive any reward or punishment for their deeds because they do not have any obligations.(٣)

To prove this notion of resurrection of the animals, perhaps we can refer to this saying of the Noble Prophet (S.A.W.):

On the Judgment Day, all the rightful people will receive their rights, inasmuch as the horned sheep will be retaliated in qisas for butting the hornless sheep.(۴)

It can be assumed that the hornless sheep is a symbol of being oppressed since it cannot fend off oppression; and the horned sheep is a symbol of being an oppressor

(as it has various means, including physical power, for harming others.(۵

Receiving Recompense: What is meant by recompense (damage) is the valuable .۲.۲.۲ benefit that if the animal had possessed understanding and had known that it had no way to obtain that benefit except through undergoing some maltreatments, it would (have agreed to undergo it.(۶

Most of the theologians (Mu'tazilites and Shi'as) and

Tusi, Muhammad b. Hasan, Al-Rasa'il al-'Ashr, ed. Muhammad Va'iz Zada, Jami'a-yi -۱ .Mudarrisin, Qum, ۱۴۰۴/۱۹۸۴, p. ۳۱۳

.Al-Tafsir al-Kabir, ۳۱/۶۷-۶۸; Majma' al-Bahrayn, ۱/۵۱۷ -۲

Mazandarani, Mowla Muhammad Salih, Sharh-i Usul al-Kafi, with additional notes -۳ .by Mirza Abulhasan Sha'rani, ۱۲ vols. n.d, ۱۰/۱۸۶; Al-Jami' li Ahkam al-Qur'an, ۶/۴۲۱

Tabarani, Sulayman b. Ahmad, Musnad al-Shamiyin, ed. Hamdi al-Salafi, ۲nd - ۴ .edition, Mu'assisatu al-Risala, Beirut, ۱۴۱۷/۱۹۹۶, ۲/۳۰۱

Bahrani, Maytham b. 'Ali, Qawa'id al-Maram fi 'Ilm al-Kalam, ed. Sayyid Ahmad - ۵ .Husayni, ۲nd edition, Ayatollah Mar'ashi Library, Qum, ۱۴۰۶/۱۹۸۵, p. ۱۲۰

.Al-Tafsir al-Kabir, ۱۲/۲۱۹ -۶

exegetes believe, on the basis of the rational rule of "i'adatu man lahu 'iwadhun aw 'alayhi 'iwadhun" (returning of the one who claims a recompense or upon whom is a recompense)(۱), that animal resurrection is for the purpose of receiving the recompense and damage for the hardships and sufferings that they undergo in the (world.(۲

Projecting this concept concerning the animal resurrection is dependent on accepting :two issues

First, maltreating animals (isal alam = causing pains) without having committed any .wrong is evil

Second, it is necessary for (incumbent upon) God to recompense animals for maltreatment and suffering they undergo in the world.(3)

It is clearly understood that this argument can be used concerning the necessity of animal resurrection when the animal has not received the recompense for the pains and sufferings that it has undergone in the world, otherwise, intellectually there is no need for their resurrection.(4)

Similarly, if we assume that an animal has not undergone any pain and suffering for availing a desirable living condition, there remains no need for its resurrection, since it has not been entitled to receiving recompense.(5)

Finally, it is obligatory upon God to recompense an animal only when He has a role in the maltreatment process of the animal, like when He permits to kill (slaughter) an animal to use its meat, or to kill (murder) it for hurting human beings as in case of the predators and harmful insects, or when he permits to use them in toilsome tasks such as transporting heavy loads. But, if man

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۱- Mufid, Muhammad b. Nu'man, Al-Nukat al-I'tiqadiyya, Jami'a-yi Mudarrisin, Qum, n.d, p. ۴۶.

۲- Bihar al-Anwar, ۷/۹۲, ۲۵۶, and ۲۷۶; Al-Tafsir al-Kabir, ۱۲/۲۱۸; Al-Tibyan fi Tafsir al-Qur'an, ۴/۱۲۹ and ۱۰/۲۸۱; Majma' al-Bayan fi Tafsir al-Qur'an, ۴/۴۹ and ۱۰/۲۷۷; Tabarsi, Fadhl b. Hasan, Jawami' al-Jami', ۳ vols. Mu'assisa-yi Nashr-i Islami, Qum, ۱۴۱۸/۱۹۹۷, ۱/۵۶۸.

۳- Al-Tafsir al-Kabir, ۱۲/۲۱۹.

۴- Ibid, ۱۲/۲۱۹.

۵- Ibid.

inflicts torment on an animal (tyrannizes it) without having rational or canonical (textual) permit, he is naturally responsible to recompense that animal in the Hereafter.(1)

Justification of the necessity of resurrection of the animals for receiving recompense, which is advocated by most of the Mu'tazilite and Shi'a theologians, is strongly opposed by the Ash'arite theologians. Although not denying the resurrection of the animals, the Ash'arites maintain that their resurrection can take place only by God's .will (dispensation) without its being necessary (incumbent) for God

In other words, as religious texts emphasize the resurrection of the animals and there is no religious (canonical) or rational evidence for being wrong, it is to be believed; however, it should be noted that this resurrection does not need to be solely for the (purpose of retribution (punishment) or receiving reward (recompense).(۲

They have relied on two issues to prove the necessity (incumbency) of paying .recompense (damage) to the animals as false

If something is incumbent upon a person, he or she has to be reproached for not .۱ .fulfilling it, whereas God cannot be reproached if the animals are not resurrected

If hurting others is permitted for the recompense that they would receive later on, .۲ then it should be permissible to harm others without their wishing it and undertake to (compensate. But, this act is not permissible and fair (good).(۳

Animals' Demanding Justice against Animals: The possibility is set forth in some .۲.۲.۳ exegetical texts that the resurrection of the animals takes place for the sake of 'judging animals

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Ibid; Mar'ashi Najafi, Sayyid Shahab al-Din, Sharh Ihqaq al-Haqq wa Izhaq al-Batil, -۱ .۳۳ vols. Ayatollah Mar'ashi Library, Qum, ۱۶/۱۸۶

Nawawi, Yahya b. Sharaf, Sahih Muslim bi Sharh al-Nawawi (Sharh-i Muslim), ۱۸ -۲ .vols. Dar al-Kutub al-'Arabiyya, Beirut, ۱۴۰۷/۱۹۸۷, ۱۶/۱۳۶

Ghazali, Abu Hamid Muhammad b. Muhammad, Qawa'id al-'Aqa'id, ed. Musa b. -۳ Nasr, ۲nd edition, 'Alam al-Kitab, Beirut, ۱۹۸۵, ۱/۲۰۵; Bihar al-Anwar, ۶۱/۷ (Al-Matalib .(al-'Aliyya

reciprocal conducts so that by means of retaliation (qisas)(۱) the oppressed animals can take revenge on the oppressive animals (intisaf = demanding justice).(۲)

This impression is evidenced by an event that Abu Dhar al-Ghaffari, the famous companion of the Apostle of Allah (S.A.W.), recounts:

When I was with the Apostle of Allah (S.A.W.), two nanny goats were butting at each other with their horns. The Holy Prophet (S.A.W.) said, “Do you know why they are butting at each other?” I said I did not. The Holy Prophet (S.A.W.) said, “But Allah knows and will soon judge between them.” (۳)

Accordingly, the similarity of animals and human beings is in two things. One: resurrection, i.e., as a human being is resurrected, so also is an animal; second: qisas (retaliated punishment), i.e., as a human being will pay their penalties in the Hereafter, so also will an animal be responsible to its tyrannical conducts.(۴)

With this explanation, it is clear that what is meant by qisas of the tyrannical animals is a kind of retaliation and requiting in kind, rather than a punishment for disobeying Divine commands, which is incompatible with the animals’ non-obligation principle.(۵)

Also, there is no room for saying that if the oppressive animal deserves receiving a recompense from God, God would transfer it to the animal oppressed by that animal; otherwise, God would directly award this recompense to the oppressed animal.(۶) Because, with the reciprocal treatment, the injustice of the oppressive animal to the oppressed animal would be compensated for and there would

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۱- Etymologically, qisas means retribution and in terms of jurisprudence, it means penalty which God (the Lawmaker) has set for specific crimes; see: Fathullah, Ahmad, Mu'jamu Alfadh al-Fiqh al-Ja'fari, Mtabi' al-Madukhal, ۱۴۱۵/۱۹۹۵, p. ۱۵۳.

۲- Suyuti, Jalal al-Din, Tafsir al-Jalalayn, ed. Marwan Suwar, Dar al-Ma‘rifa Beirut, p. ۷۹۳; Fath al-Qadir, ۵/۳۸۸; Al-Jami' li Ahkam al-Qur'an, ۱۹/۲۲۹; Majma' al-Bayan fi Tafsir al-Qur’an, ۱۰/۲۷۷; Al-Tibyan fi Tafsir al-Qur'an, ۱۰/۲۸۱.

Arusi Huwayzi, ‘Abd ‘Ali b. Jum‘a, Nur al-Thaqalayn, ed. Sayyid Hashim Rasuli, ۵‘ -۳ vols. ۴th edition, Isma‘iliyan Institute, ۱۴۱۲/۱۹۹۱, ۱/۷۱۵; also see: Hakami, Hafz b. Ahmad, Ma‘arij al-Qabul bi Sharh Sullam al-Wusul ila ‘Ilm al-Usul, ed. ‘Umar b. Mahmud Abu ‘Umar, ۳ vols. Dar b. al-Qayyim, Al-Dammam, ۱۳۹۱/۱۹۷۱, ۲/۸۳۱.

۴- Majma' al-Bayan fi Tafsir al-Qur'an, ۱۶/.

۵- Sahih Muslim bi Sharh al-Nawawi, ۱۶/۱۳۷.

۶- Al-Tafsir al-Kabir, ۱۲/۲۲۰.

remain no need for reparation (recompense).

Accepting the intra-group pleading for justice for animals is imaginable only when their conducts are based on a kind of common sense and understanding;(۱) because, so far as it is not possible to imagine a conscious behavior and criminal intention for the animal, it would not be possible to accept pleading for justice for one side and incrimination for the other, and judge for the necessity of (compensation) recompense.

۴.۲.۲. Animal's Appealing for Justice against Man: Although in theo-exegetical texts its probability is not taken seriously, but the result of the resurrection of animals may be viewed as their pleading for justice against cruel treatment of human beings and this pleading for justice may not need to be just for receiving recompense. Rather, it can be assumed that a sort of requitement or punishment will take place between man and animal; and this way, man will pay for their maltreatment of animals.

This requitement can be implied from the application of the word qisas in the following saying of Imam al-Sajjad (A.S.):

I was going on the Hajj pilgrimage along with Imam al-Sajjad (A.S.). His camel was moving along slowly. He aimed his stick at it, but [without hitting it] said, "If only there were no qisas [in the Hereafter, I would hit it]" and let down his hand.(۲)

On this basis, stating the equality of man and animals concerning the Resurrection, the Almighty God intends to say that human beings are not permitted to treat animals cruelly, because

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۱- Majma‘ al-Bahrayn, ۱/۵۱۷.

۲- Mufid, Muhammad b. Nu'man, Al-Irshad fi Ma'rifat-i Hujaj Allah 'ala al-'Ibad, ۲ vols. Al al-Bayt (ed.), Dar al-Mufid, Qum, ۱۴۱۳/۱۹۹۲, ۲/۱۴۴.

God is their creator and on the Resurrection Day will protect them by dispensing justice.(۱)

There are also evidences in religious texts confirming such an impression of the objective for the resurrection of animals. These evidences are divided into two groups in terms of content:

The first group, without referring to the punishment in the world of Hereafter for maltreating the animals, just points out the animals' pleading for justice in the Hereafter.

The second group, without mentioning the pleading for justice, just refers to the punishment for maltreating the animals.

In a tradition, the Holy Prophet (S.A.W.) is quoted as describing the complaint of a sparrow as follows:

"Anyone who kills a sparrow in vain, it will cry for help from God on the Resurrection day, saying, 'O Lord! This person killed me in vain without gaining any benefit from it and denied me of eating insects and reptiles of the earth'."(۲)

Similarly, he threatens the unjust camel-driver this way:

The Holy Prophet (S.A.W.) saw a camel whose feet were fastened while its load was still on its back. He said, "Where is its owner? He has no humanity; tomorrow [on the Day of Resurrection] he should be ready to face justice."(۳)

On his heavenly journey (mi‘raj)(۴), the Holy Prophet (S.A.W.) describes the condition of a woman who is being tormented in the Hell for her maltreatment of a cat:

On the night of mi'raj, I saw a woman in the fire; I asked the reason for it, it was said, She had fastened a cat without giving

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۱ - Biahr al-Anwar, ۷/۲۵۶; Tabarsi, Fadhl b. Husayn, Majma' al-Bayan fi Tafsir al-Qur'an, ۱۰ vols. Dar Ihya al-Turath al-'Arabi, ۱۳۷۹/۱۹۶۰., ۴/۴۹.

۲- Nuri Tabarsi, Mirza Husayn, Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, ۱۸ vols. Al al-Bayt Institute, Qum, ۱۴۰۸/۱۹۸۷, ۸/۳۰۴, No. ۹۵۰۷.

۳- Bihar al-Anwar, ۷/۲۷۶; Nur al-Thaqalayn, ۱/۷۱۵.

۴- Literally, mi'raj means ladder; what it means in religio-philosophical terminology is the Holy Prophet's (S.A.W.) journey from Masjid al-Aqsa in Jerusalem to the Heaven (the unseen world). In the first verse of Surat al-Isra, the Holy Qur'an describes it as follows, (Immaculate is He who carried His servant on a journey by night from the Sacred Mosque (Masjid al-Haram) to the Farthest Mosque (Masjid al-Aqsa) whose environs We have blessed, that We might show him some of Our signs. Indeed He is the All-hearing, the All-seeing.); for more information, see: Ibn Sina, Al-Shifa, Husayn 'Abd Allah, Mi'rajnama, ed. Najib Mayil Hiravi, ۲nd edition, Islamic Research Foundation of Astan Quds Razavi, ۱۳۶۶ sh/۱۹۸۷.

it food and water and would not release it to eat vermin of the earth until it died. Therefore, Allah is punishing her because of that.(۱)

In another description of the same story, the Holy Prophet (S.A.W.) said that that woman would be punished in the Hell by the same cat:

I saw in the Fire an owner of a cat whose cat was biting her on her front and back. She was a woman who had fastened her cat, neither allowing it to feed nor releasing it to eat from the vermin of the earth.(۲)

It is to be reminded that in contrast to animal's pleading for justice against man, man's pleading for justice against animal is also imaginable; that is, the animal that has done an injustice to man in the world would come back to life in the Hereafter to pay for its injustice to man. However, we did not examine this hypothesis, as

assumption of animal's injustice to man is examinable only when it can be proved that animals enjoy judicious behavior resulting from a conscious choice, as well as .(comprehension and recognition of institutionalized affairs in them (instincts

۳.۲ . The Degree of Animals' Presence in the Hereafter: Let us suppose that the resurrection of the animals is for the animals to receive recompense for the injustice they suffered in the world. If so, the question comes up as to whether their life will terminate (inqita' = cease to continue) in the Hereafter once they receive their recompense or they

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۱- Nawawi, Yahya b. Sharaf, Al-Majmu' fi Sharh al-Muhadhdhab, ۲۰ vols. Dar al-Fikr, n.p., n.d, ۱۸/۳۱۹.

۲- Tamimi, Nu'man b. Muhammad, Da'a'im al-Islam wa Dhikr al-Halal wa al-Haram wa al-Qadhaya wa al-Ahkam 'an Ahl-i Bayt-i Rasul Allah 'Alayhi wa 'Alayhim Afdhal al-Salam, ed. Asif b. 'Ali Asghar Faydhi, ۲ vols. Dar al-Ma'arif, Egypt, ۱۳۸۳/۱۹۶۳, ۲/۴۶۸, No. ۱۶۶۶.

.would live on (perpetuate) there to enjoy the Divine blessings as human beings do

:Three different answers are given to this question in theological texts

۱.۳.۲ . Termination (Inqita'): Some theologians believe that the necessity for the resurrection of the۴ animals would terminate by receiving of recompense; and as there is no reason for them to be eternal, there remains no reason for them to continue to survive in the Hereafter.(۱)

To prove the transitory presence of animals in the Hereafter, we can quote the :(.following saying of the Holy Prophet (S.A.W

Allah will resurrect all His creatures (beasts, animals, birds, and any other creatures) on the Resurrection Day, then His Judgment will go as far as to restore the rights of the unhorned sheep from the horned one, and then tells them to turn to earth.(۲)

Permanence (Durability): Abu al-Qasim al-Balkhi and his followers believe that .۲.۳.۲ since taking blessings back will hurt the animal again, Divine favor (tafadhdhul) will be bestowed on the animals to keep on living in the world Hereafter. Besides, with the recompense being compensated, death has to occur, and causing the animal to die again would in turn hurt it; this way we will encounter a chain of endless (recompenses.(۳

Being Unclear: A third group of theologians also believe that making decision .۳.۳.۲ about the continuation or cessation of blessings in the world Hereafter is subject to God's will; if He deems it fair, He would do it, otherwise, He would prepare the way for (their extinction.(۴

Since the only source

.Al-Tafsir al-Kabir, ۱۲/۲۱۹; Al-Tibyan fi Tafsir al-Qur'an, ۱۰/۲۸۱ -۱

.Bihar al-Anwar, ۷/۲۵۶; also see: Tafsir al-Jalalayn, p. ۱۶۷ -۲

Al-Tafsir al-Kabir, ۱۲/۲۱۹; Bihar al-Anwar, ۷/۹۲ and ۶۱/۹; Al-Tibyan fi Tafsir al-Qur'an, -۳ .۴/۱۳۰; Majma' al-Bayan fi Tafsir al-Qur'an, ۱۰/۲۷۷

.Al-Tafsir al-Kabir, ۳۱/۶۷ -۴

for examining this issue is the religious teachings and as there is no explicit explanation in the revealed verses and the sayings of the Infallible Household (A.S.) in this respect, we will put off judging about animal life in the Hereafter until some later .time

If we accept the similarity of man and animal in the Hereafter life and claim that the statement (communities like yourselves) concerns this similarity in all aspects, then we will be able to proclaim with certainty that the life of animals in the world Hereafter is also eternal like that of the humankind. However, if we do not accept the overall similarity of man and animal and claim that this similarity only concerns the principle of the existence of resurrection for animals, then there is no way for us to talk about the permanence (durability) and transience (cessation) of enjoying the Hereafter

(blessings.(1

Nevertheless, it is implied from the sayings of the religious dignitaries and the Infallible Imams (A.S.) that at least some animals would enjoy kind of eternal :otherworldly life

There is no camel having stayed seven times in 'Arafa during Hajj pilgrimage except (that Allah has rated it among the animals of the Paradise and blessed its progeny.(2

Any camel with which people go on Hajj pilgrimage three (seven) times, is rated as (among the animals of Paradise.(3

Choose healthy and strong animals for sacrificing, as they will be your riding mount on (the Sirat (the bridge over Hell leading to Paradise).(4

The horses of the soldiers in the

1- Al-Mizan fi Tafsir al-Qur'an, ۲۰/۲۱۴.

2- Barqi, Ahmad b. Muhammad, Al-Mahasin, ed. Sayyid Jalal al-Din Husayni, ۲ vols. Dar al-Kutub Islamiyya, ۲/۶۳۵-۶۳۶, No. ۱۳۳.

3- Saduq, Muhammad b. 'Ali, Man la Yahdhuruhu al-Faqih, ed. 'Ali Akbar Ghaffari, ۴ vols. ۲nd edition, Jami'a-yi Mudarrisin, Qum, ۱۴۰۴/۱۹۸۴, ۲/۲۱۶, No. ۲۲۰۷.

4- Saduq, Muhammad b. 'Ali, 'Ilal al-Shara'i', ۲ vols. Maktibatu Haydariyya, Najaf, ۱۳۸۶/۱۹۶۶, ۲/۴۳۸, chap. ۱۷۹.

(world are considered as their horses in the paradise.(1

۴.۲ . The Type of Animals that will be Resurrected: One of the important issues discussed about animal resurrection is to determine which types of animals will enjoy otherworldly life. Will all the living creatures have the chance to be present on the ?Resurrection Day or just a group of them will enjoy this blessing

To find an answer to this question, we have to refer to the Holy Qur'an. According to

the statement (There is no animal on land, nor a bird that flies with its wings, but they are communities like yourselves.), the Holy Qur'an has mentioned two types of animals as dabba (beast) and ta'ir (bird) and regarded them communities (umam) like .human beings

Conceptologically, ta'ir has no ambiguity because it includes all living creatures that .we call "birds" of the sky

However, what type of animals is called dabba?(۲) It is a beast that moves on land.(۳) According to the division that the Holy Qur'an has made in Surat al-Nur, these animals :are divided into three general groups

Allah created every animal from water. Among them are some that creep upon their(bellies, and among them are some that walk on two feet, and among them are some that walk on four. Allah creates whatever He wishes. Indeed Allah has power over all (things.)(۴

Therefore, we can conclude that all the birds of the sky and land animals have resurrection.(۵) However, no mention has been made of the aquatic creatures and the .insects

The silence

.Al-Kafi, ۵/۳, No. ۳ -۱

Lexically, dabb is an beast that moves slowly with steps close together; see: Al- -۲ .Mizan fi Tafsir al-Qur'an, ۷/۷۲; Fath al-Qadir, ۲/۱۱۳

Bihar al-Anwar, ۷/۲۵۵; Faydh Kashani, Mawla Muhsin, Al-Safi fi Tafsir Kalam Allah, ۵ -۳ .vols. Dar al-Murtadha li al-Nashr, n.d, ۲/۱۱۸

.Q. ۲۴:۴۵ -۴

Al-Mizan fi Tafsir al-Qur'an, ۷/۷۲; Al-Tibyan fi Tafsir al-Qur'an, ۴/۱۲۷; Majma' al- -۵ .Bayan fi Tafsir al-Qur'an, ۴/۴۸

of the Hply Qur'an about the resurrection of the aquatic creatures, despite their

communal life, is perhaps because the Holy Qur’an has on three occasions viewed the merging of the seas and their being set afire and drying up as signs of resurrection:

when the seas are set afire.(۱)), (when the seas are merged)(۲), (by the surging(sea.)(۳)

It is worth mentioning that there are different possibilities set forth in the exegetical texts concerning the meaning of the above verses: ۱. Merging of the fresh and salty waters, ۲. Joining of the seas, ۳. The seas being set afire, ۴. The water of the seas drying up, ۵. The seas filling up with fire, ۶. Overflow of the seas and spreading over the land mass, ۷. The water of the seas vaporizing with the fire entering them.(۴)

With the extinction of the seas, no chance is left for the aquatic creatures to survive; thus, talking about their resurrection will lead nowhere. That is why the phrase “There is no animal on land…” is interpreted as “There moves no animal over the face of Earth…”;(۵) although the contrast between the sky and the earth and using fi (in, on) instead of ‘ala (over) in verse ۳۸ of Surat al-An‘am could in itself indicate the presence of the aquatic creatures, as well.

However, we cannot deny that the justice-orientedness of the Hereafter necessitates that man should be called to account for doing injustice to the aquatic creatures.

The resurrection of the insects, however, has not received much

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۱- Q. ۸۱:۶.

۲- Q. ۸۲:۳.

۳- Q. ۵۲:۶.

۴- For more details, see: Al-Tibyan fi Tafsir al-Qur'an, ۱۰/۲۸۲; Al-Durr al-Manthur fi al-Tafsir bi al-Ma’thur, ۶/۳۱۸-۳۱۹; Raghib Isfahani, Husayn b. Muhammad, Al-Mufradat fi Gharib al-Qur'an, Daftar-i Nashr-i Al-Kitab, ۱۴۰۴/۱۹۸۴, p. ۲۲۴; Tafsir al-Qur'an al-ʿAzim, ۴/۲۵۷ and ۵۰۸; Tafsir al-Jalalayn, p. ۷۹۳; Thaʿalibi, ʿAbd al-Rahman, Al-Jawahir al-Hisan fi Tafsir al-Qur’an, ed. ʿAbd al-Fattah Abu Sunna, Dar Ihya’ al-Turath al-ʿArabi, Beirut,

۱۴۱۸/۱۹۹۴, ۵/۵۵۵; Al-Jami' li Ahkam al-Qur'an, ۱۹/۲۳۰ and ۱۷/۶۱-۶۲; Jami' al-Bayan 'an Ta'wil Aya al-Qur'an, ۳۰/۸۵ and ۲۷/۲۵; Zad al-Masir fi 'Ilm al-Tafsir, ۸/۱۸۹; Fath al-Qadir, ۵/۹۴ and ۳۸۸; Majma' al-Bayan fi Tafsir al-Qur'an, ۱۰/۲۷۷; Al-Mizan fi Tafsir al-Qur'an, .۱۹/۷

.Majma' al-Bayan fi Tafsir al-Qur'an, ۴/۴۸ -۵

attention from the interpreters, although Qatada and Ibn 'Abbas have related it simply as a possibility,(۱) and we have no evidence for the inclusiveness of the .resurrection of the creatures, even insects

Following in the footsteps of Plotinus, Sadr al-Din Shirazi (Mulla Sadra) has divided the animals into two groups: ones that enjoy only sensual perception and the other that besides sensual perception enjoy faculty of imagination and the ability to remember images. He believes that only the second group of animals will be resurrected and have the possibility to be present in the lower levels of the Barzakh (purgatory) after their death and the destruction of their bodies while retaining their individual distinction. Losing their idiosyncratic advantage, however, the first group will transform into a single creature and return to their lord of species (rabb al-naw') and (the rational sagacious.(۲

What is meant by "lord of species" in this theory is what has been set forth in .(philosophy by Plato onwards as the theory of exemplary ideas (muthul

Stemmed from the root ma tha la, the word muthul means similar and parallel and in Plato's terminology it applies to the creatures similar to the material creatures. To Plato, everything has two existences: material and immaterial, because, according to the principle of inconsistency of matter, the little material creatures are exposed to change, transformation, decadence, and destruction; despite this, however, the .typical nature of every species would sustain to survive

The survival of any creature is dependent upon that which protects its species and

۱- Al-Tafsir al-Kabir, ۳۱./۶۷; Tafsir al-Qur'an al-ʿAzim, ۴/۵۰۸.

۲- Al-Shawahid al-Rububiyya fi al-Manahij al-Sulukiyya, p. ۴۰۰; Al-Hikmat al-Mutiʿaliya fi al-Asfar al-Arbaʿat al-ʿAqliyya, ۹/۲۴۸-۵۰.

may not undergo any change and transformation. Therefore, any material object has an immaterial existence, which manages the individuals of that species and our cognition belongs to it.(۱)

Although the theory of exemplary ideas (muthul) was severely criticized by Aristotle and his Muslim followers such as Avicenna, philosophers of illumination like Suhrawardi and sages such as Mirdamad, Mirfindiriski, and Sadr al-Din Shirazi made great attempts to prove this theory with justifications.(۲) Mirfindiriski portrays his viewpoint about muthul as follows:

With its stars, the global sphere is elegant and beautiful

That which is above is the same as that which is below

Below form, if soars up through ladder of knowledge

Will truly join with the above, with its origin

No one with surface knowledge will grasp this saying

Be it Abu Nasr al-Farabi or Bu ʿAli Sina (Avicenna).(۳)

Such a comment on the resurrection of animals results from the idea that in his view, the world Hereafter is an immaterial world whose pleasures and torments are the outcome of the perceiving and imagining the pleasant and unpleasant forms that are created in man due to his worldly acts.

It is with this consideration that in philosophical texts perception is regarded as involved in creating pleasure and pain and is defined as follows:

Pleasure is the perception of the desirable because it is desirable and pain is the perception of undesirable because it is undesirable.(۴)

Normally, according to this type of approach to the Hereafter, so long as an animal does not enjoy the faculty of imagination, it cannot enjoy its presence

p: ٣۶

See: Aflatun, Jumhuri, W.K.C. Guthrie, trans. Hasan Fathi, Fikr-i Ruz Publication, - ١ .book six

See: Al-Shifa, Al-Ilahiyyat, pp. ٣١٠-٣٢۴; Suhrawardi, Shahab al-Din, Hikmat al- - ٢ Ishraq, ed. and introduction by Henry Corbin, Humanities and Cultural Studies Resesearch Center, ٣rd, Tehran, ١٣٨٠ sh/٢٠٠١, pp. ٩٢-٩٣; Al-Shawahid al-Rububiyya fi al-Manahij al-Sulukiyya, pp. ٢۵۶-٢۶٣; Al-Hikmat al-Muti'aliya fi Asfar al-'Arba'at .al-'Aqliyya, ۵/٢١۴, ٢/٧٧, and ٣/۵٠۴-۵٠۵

Bigdili, Lutf'ali Baig, Atashkada-yi Adhar, edited and researched by Hasan Sadat - ٣ .Nasiri, Amir Kabir Publication, Tehran, ١٣٣٨ sh/١٩۵٩, ٢/٧٩۴-٧٩۵

.See: Sharh al-Maqasid, ٢/٣۶۴ -۴

(in the world Hereafter.(١

Faculty of imagination is one of the inherent faculties of humankind, which is also referred to as musawwira (representative faculty). This faculty protects images existing in man's interior being, which, in philosophical and mystical texts, is divided into two sections: conjoined imagination and separate imagination (restricted and .(absolute

:Giving a definition of this faculty of man's inherent faculties, al-Farabi says

It is a force that retains the descriptive definitions of the sensible objects after being concealed from the domain of the sense; and, both in sleeping and waking states, it proceeds to combine a part of those descriptive definitions of the sensible objects (with another part or to separate some from other.(٢

The Good and Evil of Maltreating Animals

point

Among debated issues in theology (science of kalam) is the rationality or religiousness of the recognition of the value of human deeds and conducts, which is referred to as rational or legal good and evil. Theologians have set forth the question as to whether maltreatment of animals is something regarded by intellect as indecent and evil or the recognition of such an issue is subject to examining the divine (the lawmaker's) commands, in which case an action can be permissible or impermissible when .different laws are passed on it

Violating animals' rights and maltreating them is among the issues that few people doubt about its indecency and ugliness. Even those considered as pioneers of violating animals' domains and those treating them cruelly, on most occasions do not deny this reality, and view their profiteering or pleasure seeking as

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Al-Hikmat al-Muta'aliya fi Asfar al-'Arba'at al-'Aqliyya, ۹/۱۷۵; Shirazi, Sadr al-Din - ۱ Muhammad, Al-Mabda' wa al-Ma'ad, ed. Sayyid Jalal al-Din Ashtiyani, ۳rd edition, .Islamic Propagation Office, Qum, ۱۴۲۲/۲۰۰۱, pp. ۵۲۴-۵۲۶

.Siyasat-i Madaniyya, p. ۷۶ -۲

.the reason for perpetrating such behavior

Accordingly, the Muslim thinkers are facing the question as to what is the origin of such judgment? Why is cruel treatment of animals considered as undesirable and ?indecent to people

:In theological explorations, we find three different answers to this question

Intellectual Discernment .۱

On the basis of their intellectual approach to the theological issues, the Mu'tazilite and Shi'i theologians claim that the objects and actions have real expedience and evil or benefit and loss (inherent good and evil) despite any external matter, and that human intellect has the ability to perceive it (rational good and evil) without needing any .factor for help

What is meant by inherent good and evil is that the act of any learned and able creature that freely chooses its work is either essentially beautiful or essentially ugly; i.e., the intellect would discern its beauty or ugliness without getting help from other sources (al-mustaqillat al-‘aqliyya = rational independents).[۱]

Such an approach paved the way for setting forth the thought among the Mu‘tazilites and the Shi‘as that the impermissibility of maltreating animals results from the independent perception of the intellect of its evil. This judgment of the intellect is so transparent and decisive that some have regarded it as among the intellect's inherent judgments,[۲] and regarded its denial the same as denial of the intellect's essential judgment.[۳]

As a result of accepting this rational judgment, any act leading to the maltreatment of animals is permissible when we have a specific reason – rational or legal – for its permissibility.[۴]

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p: ۳۸

۱- For further information, see: Rabbani Gulpaygani, ‘Ali, Husn wa Qubh-i ‘Aqli, Cultural Studies and Research Institute, Tehran, ۱۳۶۸ sh/۱۹۸۹, pp. ۱۱-۱۲.

۲- In logic, inherent (fitri) is applied to the propositions that once the object of desire crosses the mind, the latter may confirm it without need for deliberation; see: Muzaffar, Muhammad Ridha, Al-Mantiq, ۲ vols. ۳rd edition, Matba‘atu Nu‘man, Najaf, ۱۳۸۸/۱۹۶۸, ۲/۳۲۲.

۳- Hilli, Hasan b. Yusuf, Al-Rasai'l al-Sa‘diyya, ed. ‘Abd al-Husayn Muhammad ‘Ali Baqqal, Nashr-i Islami Institute, Qum, ۱۴۱۰/۱۹۹۰. Ayatollah Mar'ashi Library, Qum, ۱۴۱۰/۱۹۸۹, p. ۵۴.

۴- Al-Sara'ir al-Hawi li Tahrir al-Fatawi, ۳/۴۹۰, ۴۵۸; Al-Sharif al-Murtadha, Rasa'il Al-Sharif al-Murtadha, ed. Sayyid Mahdi Raja'i, ۴ vols. Dar al-Qur'an, Qum, ۱۴۰۵/۱۹۸۴ ۲/۳۷۲; Ahmad al-Murtadha, Sharh al-Azhar, ۴ vols. Ghadhan San'a, ۱۴۰۰/۱۹۷۹, ۱/۲۶.

response to the question as to why God has on some instances permitted man to

maltreat animals in order to utilize them despite the explicit judgment of intellect on the impermissibility of maltreating them, the Mu‘tazilite and Shi‘i theologians have :pointed out three justifications

Expenses Rendered by Human Being: There is no doubt that keeping animals .۱.۱ would cost much for a person, because by agreeing to take care of an animal – as it will be explained later – that person undertakes to provide food, water, sanitation, .treatment, and a place for keeping it

Since man has no essential obligation to animals for providing these expenses and services, he is normally entitled to use the animal for his own benefit in return; however, the amount of services that man provides to the animals is much more than the benefits he gains from utilizing them. Thus, by recognizing this human entitlement, common sense gives man permission to utilize the animals, even though (this utilization would lead to their maltreatment.(۱

Hereafter Reward: According to theological doctrines, God grants benefits to His .۱.۲ creatures through one of the following three states: granting benefits without (the creature's) doing good (tafdhil = favoring); granting benefits for the unpleasant events ((recompense); and granting benefits for obeying the commands (reward).(۲

As per the theory of "recompense in the Hereafter", which is the most prevalent theory in Islamic theological texts, God will reward (recompense) animals in the Hereafter for the maltreatment they suffer from being utilized by human beings. Thus, God

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.Rasa'il al-Sharif al-Murtadha, ۲/۳۷۳ -۱
See: Sharh al-Mustalahat al-Kalamiyya, Majma‘ al-Buhuth al-Islamiyya, Mashhad, -۲ .۱۴۱۵/۱۹۹۴, p. ۲۴۲

would recompense in the Hereafter the injustice, which He prepared the ground for in (this world by creating the creatures.(۱

Evaluative Comparison: According to a group of theologians, to determine the evil .۱.۳ of maltreating the animals, the amount of the profit that this maltreatment would entail for man or for the animal itself has to be taken into account. Then judgment is to be made about the good or the evil of the action through an evaluative comparison .between the profit and the maltreatment

On this basis, if the amount of the profit that a person gains from using an animal exceeds the amount of the damage or maltreatment that the animal suffers for it, or if the amount of the benefit that the animal gains from human treatment or it is more than the amount of the maltreatment that the animal suffers from that same treatment, then this type of use or treatment is rationally sound and permissible(۲) .and the religion approves it

One day, in my presence, a man asked Imam al-Sadiq (A.S.) about cutting off a sheep's testicles. The Imam answered: "There is no prohibition against cutting them if (you may improve your belonging thereby."(۳

Imagining the Ultimate End: According to this theory, for the maltreatment of . ۱.۴ animals and the judgment on its rational permissibility, we have to look for the goal .and ultimate result of such an action

If one follows a rational purpose in maltreating animals, the intellect regards such a maltreatment as proper and permissible; but if

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.Rasa'il al-Sharif al-Murtadha, ۱/۴۲۹ and ۲/۳۷۳ -۱
For further details, see: Rasa'il al-Sharif al-Murtadha, ۲/۳۷۲-۳۷۳; Shifa' al-'Alil, pp. -۲ .۲۱۶-۲۱۷
.Al-Kafi, ۶/۱۵۵-۲۵۴ -۳

one maltreats animals aimlessly (in vain) or for an irrational purpose (playfully), the intellect would similarly assert its judgment as to the impermissibility and indecency of (such an action.(۱

This kind of imagining the ultimate end can be found in the sayings of the Holy Prophet (S.A.W.), too; because he regards the killing (slaughtering) of a pregnant or nursing animal as abhorring only if it is with no reason.(۲)

Ibn Idris Hilli, Sarakhsi, and Ibn al-Munir have proved the rational legitimacy of castrating,(۳) slaughtering,(۴) and forcing animals to do hard tasks.(۵)

Similarly, in rejecting the saying of Abu Hanifa who regarded the ish'ar(۶) of a camel as a kind of torture and hence impermissible,(۷) 'Allama Hilli and Ibn Qudama argue that although this action would hurt the camel, it is proper and permissible because it is motivated by a proper purpose (hurting for a true intention).(۸)

Although ish'ar in the laws of Hajj rituals and its relation to maltreatment of animals is a legal rather than theological issue, some points need to be taken into consideration. Firstly, ish'ar is applicable only to camels and not to cattle or sheep;(۹) secondly, the ish'ar of camel is permissible only when it has a hump, that is to say it has fat tissues which lack pain sensors, so a camel that does not have a hump may not be marked through ish'ar.(۱۰) Thirdly, doing ish'ar on the cows lacking humps is debated among the jurisprudents.(۱۱)

With this explanation, both Abu Hanifa's statement and the responses by 'Allama Hilli

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۱- Bihar al-Anwar, ۶۱/۲۹۹.

۲- Da'a'im al-Islam, ۲/۱۷۷, No. ۶۳۸.

۳- Hilli, Hasan b. Yusuf, Mukhtalaf al-Shi'a, ۹ vols. Mu'assisa-yi Nashr-i Islami, Qum, ۱۴۱۲/۱۹۹۲, ۵/۱۲.

۴- Sarakhsi, Shams al-Din, Al-Mabsut, ۳۰ vols. Dar al-Ma'rifa, Beirut, ۱۴۰۶/۱۹۸۵, ۱۱/۲۲۰-۲۲۱.

۵- Asqalani, Ibn Hajar, Fath al-Bari Sharh Sahih al-Bukhari, ۱۳ vols. ۲nd edition, n.d.,' ۹/۵۰۴.

۶- It means creating a fissure on the right part of a camel's hump and spreading the blood over its hump during the Hajj pilgrimage in order to specify that the camel is

being taken to the Hajj ritualsfor sacrifice. See: Muʿjamu Alfadh al-Fiqh al-Jaʿfari, p. ۵۴; ʿAllama Hilli, Hasan b. Yusuf, Tahrir al-Ahkam, ۲ vols. Lithography, Al al-Bayt .Institute, Mashhad, n.d, ۱/۱۰۷

Kashani, Abu Bakr b. Masʿud, Bada'iʿ al-Sana'iʿ fi Tartib al-Shara'iʿ, ۷ vols. Al- - ۷ Maktibat al-Habibiyya, Pakistan, ۱۴۰۹/۱۹۸۹, ۲/۱۶۲; Ibn Qudama, ʿAbd al-Rahman, Al- .Sharh al-Kabir, ۱۲ vols. Dar al-Kutub al-ʿArabi, n.d, ۳/۵۷۷

Hilli, Al-Hasan b. Yusuf, Muntaha al-Matlab, ۲ vols. Haj Ahmad Publication, Tabriz, -۸ ۱۳۳۳ sh/۱۹۵۴, ۲/۷۵۳; Hilli, Hasan b. Yusuf, Tadhkirat al-Fuqaha, ۲ vols. Makyabat al-Radhawiyya li Ihya' al-Athar al-Jaʿfariyya, n.d, ۱/۳۸۶; Ibn Qudama, ʿAbd Allah b. .Ahmad, Al-Mughni, ۱۲ vols. Dar al-Kutub al-ʿArabi, Beirut, n.d, ۳/۵۷۴

Tusi, Muhammad b. Hasan, Al-Mabsut fi fiqh al-Imamiyya, ed. Muhammad Tqi - ۹ Kashfi, ۸ vols, Al-Maktabat al-Murtadhawiyya, Tehran, ۱۳۸۷/۱۹۶۷, ۱/۳۱۶; Shara'iʿ al-Islam fi Masa'il al-Halal wa al-Haram, ۱/۱۷۶; ʿAmili, Zayn al-Din b. ʿAli, Masalik al-Afham .ila Tanqih Shara'iʿ al-Islam, ۱۵ vols. Muʿassisat al-Maʿarif al-Islamiyya, ۱۴۱۳/۱۹۹۲, ۷/۱۹۶

Malik b. Anas, Al-Mudwwanat al-Kubra, ۶ vols., Alsaʿada, Egypt, ۱/۴۵۱; Al-Hattab al- -۱۰ Ruʿayni, Muhammad b. Muhammad, Mawahib al-Jalil bi Sharh Mukhtasar Khalil, ed. .Zakaria ʿUmayrat, ۸ vols. Dar al-Kutub al-ʿIlmiyya, ۱۴۱۶/۱۹۹۵, ۴/۲۸۰

Al-Dasuqi, Muhammad ʿArafa, Sashiya al-Dasuqi ʿala SharH al-Kabir, ed. - ۱۱ Muhammad ʿAlish, ۴ vols. ۲/۸۹, Dar al-Fikr, Beirut, nd.; Tahrir al-Ahkam, ۱/۱۰۷; Ibn Hazm Andulusi, Al-Muhalla, ed. Ahmad Muhammad Shakir, ۱۱ vols. Beirut, Dar al-Fikr, .۶/۴, ۷/۹۹, and ۷/۱۱۲

and Ibn Qudama do not sound right, because in both cases the issue of maltreating a camel by practicing ishʿar is taken for granted; whereas the fat tissues of the camel's hump lack pain sensors and the camel does not feel any pain by receiving ishʿar so discussion about the maltreatment of animals and having a proper intention for it do .not rise

In some theological texts, this kind of imagining the ultimate end in the permissibility of maltreatment of animals is referred to as lutf (favor). The rule of lutf, as one of the significant theological rules, is based on the indecency of [presuming] violation of intention by the All-wise Allah. Accordingly, since maltreatment of animals without

recompense is injustice and maltreating them in return for recompense but without any goal is pointless and none of which is permissible to God, maltreatment of animals in the context of human beings profiting from them would be permissible according to the dictates of intellect.(۱)

When comparing these two theories, we should note that according to the third theory the sum total of the benefit and loss of the action, regardless of the impact of the agent's motivation, is the criteria for the correctness and incorrectness of hurting the animal. In the fourth theory, however, the agent's motivation, irrespective of the degree of the benefit or loss, delineates the correctness and incorrectness of the torture of the animal.

Anyway, the reconciliation of the last two theories can bring us to the conclusion that the maltreatment

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۱- Halabi, Abu al-Salah Taqi b. Najm, Taqrib al-Ma'arif, ed. Faris Tabriziyan, Maktaba Amir al-Mu'minin, Isfahan, ۱۴۱۷/۱۹۹۶, p. ۱۳۵; Qawa'id al-Maram fi 'Ilm al-Kalam, p. ۱۱۹.

of animals is impermissible in two cases. First, when it is injustice, i.e., when there is neither benefit, nor it may prevent from further loss. Second: when it is pointless, i.e., when it is lacking a recompense of equal weight to it or more beneficial, it does not fend off any loss, causes depravity (i.e., it brings along evil and distracts from good). In contrast, hurting of animals is regarded as a permissible act only when it is beneficial or prevents from a greater loss.(۱)

۲. Religious Laws

In contrast to the Mu'tazilites and Shi'as, the Ash'arite theologians, denying the existence of the intellect's innate perceptions (inherent good and evil), believe that human wisdom is too weak to judge on the good and evil of actions; rather, it is the religious teachings that we should turn to for perceiving it.(۲) (Good is what the lawmaker regards good and evil is what the lawmaker considers evil).(۳)

Accordingly, the Ash'arites have discussed about the maltreatment of animals, maintaining that hurting the animals is not rationally indecent. They argue that if a conduct is impermissible according to the dictates of intellect, it should be so everywhere and for everybody as the inherent does not change; whereas, God has allowed human beings in some cases to treat animals in such a way that may hurt them.(۴)

In view of the Ash'arites the best reason for the maltreatment of animals not to be rationally impermissible is the differences among the intellectuals in this respect, for this disagreement results from the lack

p: ۴۳

۱- Taqrib al-Ma'arif, p. ۱۳۵; Qawa'id al-Maram fi 'Ilm al-Kalam, p. ۱۱۹.

۲- - Ibn al-Jawzi, 'Abd al-Rahman b. 'Ali, Al-Thubat 'ind al-Mamamat, ed. 'Abd Alla al-Laythi al-Ansari, Mu'assisat al-Kutub al-Thiqafiyya, ۱۴۰۶/۱۹۸۵, p. ۶۰.

۳- In various works of the Ash'arites, different issues have been referred to for denying the rationality of the inherent good and evil and proving their legality. For further information about the Ash'arites' resaons as well as their critique, see: Husn wa Qubh-i 'Aqli, pp. ۸۱-۱۱۰.

۴- Ghayat al-Maram, p.۳۲۲.

of rational necessity in the evil of such an act.(۱) Supposing we accept that the intellect considers maltreatment of animals as evil, but since God has given man permission for such behavior, the intellect has to give in by accepting God's Omniscience and consider animal maltreatment as permissible, as well.(۲) Therefore, maltreatment of animals is rationally evil so long as God has not permitted man for it, but after that, it is no longer evil.(۳)

Some Ash'arite theologians have gone beyond this and claimed that even where the intellect – presumably – deems animal maltreatment as impermissible, it is because God has in those instances prohibited us from performing it; otherwise, the intellect has no capability to understand its evil.(۴)

Conclusion: According to the Ash‘arites, God can persecute the animals with no crime and may not give them reward in the world and in the Hereafter without its being called “injustice”; for, God is the absolute master and possessor of the world of being and its creatures and injustice is imaginable only when a person takes possession of another person’s property without permission.(۵) However, the wisdom and the true reason of such treatment by God is not clear for us and we do not know He has created the world of being in such a way that a group of creatures would suffer so much torment and persecution in their life.(۶)

Now that such treatment by God in maltreatment of animals is not unjust, He can also give permission to mankind to maltreat

p: ۴۴

۱- Amidi, ‘Ali b. Muhammad, Al-Ahkam fi Usul al-Ahkam, ۴ vols. ۲nd edition, Al-Maktab al-Islami, Damascus, ۱۴۰۲/۱۹۸۱, ۱/۸۵-۸۶; Ghayat al-Maram, p. ۲۳۸; Ghazali, Muhammad b. Muhammad, Al-Mustasfa fi ‘Ilm al-Usul, Dar al-Kutub al-‘Ilmiyya Beirut, ۱۴۱۷/۱۹۹۶, p. ۴۶.

۲- Abu al-Faraj, ‘Abd al-Rahman b. ‘Ali, Talbis Iblis, ed. Dr. Al-Sayyid al-Jamili, Beirut, Dar al-Kutub al-‘Arabi, Beirut, ۱۴۰۵/۱۹۸۵, p. ۸۴.

۳- Al-Baqalani, Abu Bakr Muhammad b. al-Tayyib, Tamhid al-Awa’il wa Talkhis al-Dala’il, ed. ‘Imad al-Din Ahmad Haydar, Al-Kutub al-Thiqafiya Institute, Beirut, ۱۹۸۱, pp. ۱۴۱-۱۴۲.

۴- Tamhid al-Awa’il wa Talkhis al-Dala’il, pp. ۳۸۴-۳۸۵; al-Mustasfa fi ‘Ilm al-Usul, p. ۴۶-۴۷.

۵- Qawa‘id al-‘Aqa’id, pp ۲۰۴-۲۰۵; Tamhid al-Awa’il wa Talkhis al-Dala’il, pp. ۳۸۲-۳۸۳ and ۱۳۸; Ghayat al-Maram, p. ۲۴۴.

۶- Karami, Mar‘i b. Yusuf b. Abi Bakr, Raf‘ al-Shubha wa Gharar ‘amman Yahtajju ‘ala Fi‘l al-Ma‘asi bi al-Qadar, ed. As‘ad Muhammad al-Maghribi, Dar Harra’, Makkat al-Mukarrama, ۱۴۱۰/۱۹۸۹, p. ۵۷.

animals in the best of their interest without such treatments being considered as indecent or injustice.(۱)

Sensual Affections .۳

In contrast to the two rationalistic Mu‘tazilite-Shi’ite and irrationalistic Ash‘arite theological trends, there are certain renowned philosophers such as Ibn Sina, Khawja Nasir al-Din Tusi, Qutb al-Din Razi, ‘Umar b. Sahlan al-Sawi, and Muhaqqiq Isfahani (Kompani) who maintain that the difference of the theologians in the perception and imperception of good and evil is based on accepting the principle that judgment about the good or evil is among the judgments of the theoretical reason; whereas, [the judgment concerning] the good and evil of the objects and actions includes in judgments of the practical reason. Thereupon, such propositions as “justice is good” or “injustice is evil” are beyond certainty and regarded as among the generally (accepted (mashhur) uncertain propositions.(۲)

The corollary of such a thought is that judging on the evil of maltreatment of animals is not a judgment based on intellectual perception but it results from certain human .tendencies and inner qualities such as kindness and compassion

A Critical Review: Although critically reviewing the reasons of the Mu‘tazilites and Ash‘arites for accepting and denying the intrinsic good and evil of actions, particularly the maltreatment of animals as an example of that general precept, demands another chance to deal with, it is to be noted that ilam (inflicting pain) is not evil simply for being ilam; because nothing would be characterized as evil (qubh) because of its (own essence (genus).(۳) Therefore, maltreatment of animals can be evil (qabih

p: ۴۵

Ibn Taymiya al-Harrani, Ahmad b. ʿAbd al-Halim, Kutub wa Rasa’il wa Fatawa-yi -۱ Ibn Taymiya fi ‘Aqida, ed. ‘Abd al-Rahman Muhammad Qasim al-Najdi, ۷ vols. Maktiba Ibn Taymiya, ۶/۱۲۷; ‘Abd al-Rahman b. Muhammad, Abu Sa‘id, Al-Ghunyatu fi Usul al-Din, ed. ‘Imad al-Din Ahmad Haydar, Mu‘assisat al-Khadamat wa al-Abhath al-.Thiqafiyya, ۱۹۸۷, p. ۱۴۹; Al-Fasl fi al-Milal wa al-Ahwa’ wa al-Nihal, ۳/۶۴

Muzaffar, Muhammad Ridha, Usul al-Fiqh, ۲ vols. ۴th edition, Islamic Propagation -۲ Office, Qum, ۱۳۷۰ sh/۱۹۹۱, ۱/۲۰۸; it seems we can regard these types of propositions as

among the "self evident" propositions which are evident; hence, no need to return them to the sensual affections; for more information, see: Husn wa Qubh-i 'Aqli, pp. ۴۹-۶۶.

Taqrib al-Ma'arif, p. ۱۳۴ -۳

only when it is characterized by "injustice", just as it can be good (hasan) if characterized by "justice".(۱)

Parity of good and evil with justice and injustice, hence, the lawfulness and unlawfulness are among the issues that the Holy Qur'an has emphasized in its various verses.

(Say, "My Lord has only forbidden indecencies, the outward among them and the inward ones.")(۲)

(Indeed Allah enjoins justice and kindness and generosity towards relatives, and He forbids indecency, wrong, and aggression.)(۳)

(...who bids them to do what is right and forbids them from what is wrong, makes lawful to them all the good things and forbids them from all vicious things.)(۴)

(When they commit an indecency, they say," We found our fathers practicing it, and Allah has enjoined it upon us." Say, "Indeed Allah does not enjoin indecencies.")(۵)

Consequently, if an animal is utilized in accordance to its creation, no injustice is perpetrated rationally so that the judgment of religion for the permissibility of using that animal in that respect be a breach of the judgment of intellect as to the evil of maltreatment of animals. In other words, the exclusions in the intellectual judgments is an unreal presumption, as the lawmaker, by virtue of intellect and his behavior based on intellect, would never make a judgment contrary to reason (whatever reason judges, the canonical law – shar' – would judge, too). As a result, we would not encounter any law in the Islamic rules and ordinances that, contrary to the intellectual judgment of the impermissibility of maltreating animals

۱- This claim is apt to come up with since moral good and evil refer to “justice” and “injustice”. See: Isfahani, Muhammad Husayn, Nihayat al-Diraya fi Sharh al-Kifaya, Lithography, Mahdavi Publications, Isfahan, ۱۴۱۸/۱۹۹۷, ۲/۱۲۸.

۲- Q. ۷:۳۳.

۳- Q. ۱۶:۹۰.

۴- Q. ۷:۱۵۷.

۵- Q. ۷:۲۸.

ilam and ta‘dhib), would permit man a conduct that would cause the maltreatment of animals.(۱)

Notice the context of the following verse:

(He created the cattle, in which there is warmth for you and [other] uses and some of them you eat.... And they bear your burdens to towns which you could not reach except by straining yourselves. Indeed your Lord is most kind and merciful. And horses, mules and asses, for you to ride them.)(۲)

In this verse, God has pointed out some ways man can use animals: ۱. Using their hide and wool for clothing, ۲. Using their meat for food, ۳. Carrying loads, and ۴. Riding.

Thus, killing (slaughtering) animals for their hide or meat as well as transporting goods or people by them is not injustice; rather, it is using them in line with their creation. So, the judgment by religion as to the permissibility of slaughtering the animals or the like cannot be regarded as a judgment contrary to the judgment of intellect or an exception to it.

For this reason, the Muslim jurists have asserted that drying silkworm cocoons by sun’s heat is permissible, as without which the intended purpose for the creation of silkworm will not be fulfilled, even though the worm may thus be killed.(۳)

Normally, if this utilization is in line with the animals’ creation, maltreatment no longer applies to it; however, it does not mean that the animal never gets hurt and pain through human utilization.

Therefore, some theologians’ claim that the denial of pain in animals

p: ۴۷

.Al-Sara’ir al-Hawi li Tahrir al-Fatawi, ۳/۴۶۴ -۱

.Q. ۱۶:۵-۸ -۲

Bahrani, Yusuf, Al-Hada’iq al-Nadhira fi Ahkam al-ʿItrat al-Tahira, ed. Muhammad -۳ Taqi Iravani, ۲۰ vols. Nanshr-i Islami Publication, Qum, ۱۴۰۱۴/۱۹۸۴, ۲۵/۱۴۳; Nawawi, Yahya b. Sharaf, Rawdhat al-Talibin, ed. ʿAdil Ahmad ʿAbd al-Mawjud, ۸ vols. Dar al-Kutub al-ʿIlmiyya, Beirut, n.d, ۶/۵۲۴; Najafi, Muhammad Hasan, Jawahir al-Kalam fi Sharh Shara’iʿ al-Islam, ed. Shaykh ʿAbbas Quchani, ۴۳ vols. ۳rd edition, Dar al-Kutub al-Islamiyya, ۱۴۰۹/۱۹۸۸, ۳۱/۳۹۷; ʿAmili, Muhammad, Nihayat al-Maram fi Sharh-i Mukhtasar Shara’iʿ al-Islam, ed. Mujtaba ʿIraqi, ۲ vols. Muʿassisa-yi Nashr-i Islami, Qum, ۱۴۱۳/۱۹۹۲, ۱/۴۹۱; Bahuti, Mansur b. Yunus, Kashshaf al-Qina‘, ۶ vols. Dar al-Kutub .al-‘Ilmiyya, Beirut, ۱۴۱۸/۱۹۹۷, ۵/۸۵۲

is pointless(۱) or denial of God’s intervention in maltreating animals is a denial of an evident matter(۲), cannot be true, because God has made the animals’ bodies in such a way that human beings can use them to their benefit and if they perform it in the right way, the animal would not undergo any pain. For this reason, some believe that the method proposed by Islam for slaughtering animals would not entail any pain for the animal, because by the abrupt cutting of the [four] arteries and the sudden outflow of the blood from its body the animal’s nervous system stops working and no (pain is felt thereafter.(۳

This issue, to be discussed later on in our legal deliberations, has unfortunately been neglected in both Mu‘tazilite and Ash‘arite theological trends. They have, in their negligence, attempted by raising various theories to either justify animal maltreatment in line with Divine justice like the Mu‘tazilites, or bring up the issue of precedence of faith over reason and deny the reason’s perception in the good and .evil of the matters like Ash‘arites

Discourse Two: Legal Studies

point

Exploitation is the first and the most important issue that man has dealt with in his encounter with the nature – irrespective of its being animate or inanimate – since the beginning of his life on earth. This issue holds such a sublime status in human mind, hence in his behavior, that the Holy Qur'an has accepted it on both macro and micro levels. In a general statement, first the

p: ۴۸

۱- Raf' al-Shubha wa Gharar 'amman Yahtajju 'ala Fi'l al-Ma'asi bi al-Qadar, ۵۷.

۲- Ghayat al-Maram, p ۲۴۵.

۳- Al-Ghazali, Muhammad b. Muhammad, Al-Maqsad al-Asna fi Sharh Ma'ani Asma Allah al-Husna, ed. Bassam 'Abd al-Wahab al-Jabi, Al-Jaffan wa al-Jabi, Cypress, ۱۴۰۷/۱۹۸۷, p. ۸۵.

Holy Qur'an brings up man's utilization of the nature as follows:

(It is He who created for you all that is in the earth.)(۱)

Then, it goes on to specify in detail the relation between man and animals:

(... and He created the cattle for you.)(۲)

Although these two principles denote the purposeful creation of the world of being and its creatures for humankind, the Muslim jurists are facing several important and fundamental issues in explaining the relation between man and animal and its legal status.

۱. Creation of Creatures for Man

Understanding the creation of creatures for man is based on clarifying in what sense the word lakum (for you) in verse ۲۹ of Surat al-Baqara is employed.

Two possibilities are proposed in the meaning of the word lakum, which is discussed in various Islamic sources (of exegesis, principles of jurisprudence, etc.):(٣)

١.١. Utilization (Intifa'): The intention in creating other creatures, especially animals, is for humankind to benefit from them.(۴)

١.٢. Taking Heed (I'tibar): Creation of other creatures for humankind is for human beings to take heed from them so as thereby to achieve a better and higher understanding of the Exalted God.(۵)

The basis for setting forth this possibility is a saying related from the Commander of the Faithful Imam 'Ali (A.S.) commenting on the above-mentioned verse:

(It is He who created for you all that is in the earth)... so that you think and take heed and attain God's pleasure in His Paradise and guard yourselves against His Fire... and because of His knowledge over all things, He knows what is good for

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١- Q. ٢:٢٩.

٢- Q. ١۶:۵.

٣- Fakhr al-Din Razi has discussed in detail about the conceptology of this verse of the Holy Qur'an. For more information, see: Razi, Muhammad b. 'Ali, Al-Mahsul fi 'Ilm Usul al-Fiqh, ed. Dr. Taha Jabir Fayyadh alo-'Alwani, ۶ vols. ٢nd edition, Al-Risala Institute, Beirut, ١۴١٢/١٩٩٢, ٩/٩٧-١٠٢.

۴- Muqaddas Ardabili, Ahmad b. Muhammad, Zubdat al-Bayan fi Ahkam al-Qur'an, ed. Muhammad Baqir, Bihbudi, Al-Maktibat al-Murtazawiyya, Tehran, n.d, p. ٧٣; Muhammad Isma'il, Ibrahim, Al-Qur'an wa I'jaz al-'Ilmi, Dar al-Fikr al-'Arabi, p. ۶٨-۶٩.

۵- Al-Jami' li Ahkam al-Qur'an, ١/٢۵٢.

you. Then, O children of Adam! He created for you all that is in the earth for your interest.(١)

Although these two possibilities apparently seem incompatible, it will be clarified with

a little scrutiny that the relation between them is that of generic and specific, since “utilization” is a generic concept that encompasses both religious (ideological) and worldly fields.(۲) Therefore, it can be concluded that God’s intention in creating creatures, especially the animals, for mankind is for man’s use of them, by which .indeed the taking heed is also actualized

:The Holy Qur‘an has asserted man’s utilization of animals in various verses

Have they not seen that We have created for them – of what Our hands have(worked – cattle, so they have become their masters? And We made them tractable (for them, so some of them make their mounts and some of them they eat.]eat.)(۳

And most surely there is a lesson for you in the cattle: We give you to drink of what is(in their bellies from between [intestinal] waste and the blood pure milk, easy and)(agreeable to swallow for those who drink.(۴

And most surely there is a lesson for you in the cattle. We make you to drink of what( )(is in their bellies, and you have in them many advantages and of them you eat.(۵

And Allah has given you a place to abide in your houses, and He has given you tents(of the skins of cattle which you find light to carry on the day of

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Saduq, Muhammad b. ‘Ali, ‘Uyun Akhbar al-Ridha (A.S.), ۲ vols. Mu‘assisat al-A‘lami li -۱ .al-Matbu‘at, Beirut, ۱۴۰۴/۱۹۸۴, ۲/۱۲-۱۳, No. ۲۹

Zad al-Masir fi ʿIlm al-Tafsir, ۱/۴۵; Bihar al-Anwar, ۵۴/۴; Ruhani, Sayyid Muhammad -۲ Sadiq, Fiqh al-Sadiq fi Sharh al-Tabsira, ۲۶ vols. ۳rd edition, Mu’assisa-yi Dar al-Kitab, .Qum, ۱۴۱۲/۱۹۹۱, ۲۴/۹۵

.Q. ۳۶:۷۱-۷۲ -۳

.Q. ۱۶:۶۶ -۴

.Q. ۲۳:۲۱ -۵

your march and on the day of your halting and of their wool and their fur and their hair

((He has given you) household stuff and a provision for a time.)(1)

:Similarly, the content of some traditions asserts this issue

Choose cattle for yourselves, as they are ornaments for you, by them you fulfill your needs, and the provision for their sustenance is upon Allah.(2)

Among the signs of man's happiness is their having an animal to mount on to satisfy their needs and to fulfill the rights of their brothers.(3)

Whoever buys an animal is entitled to use it as a mount and its sustenance is upon Allah.(4)

۲. Creatures that Humankind Would Benefit from

Having accepted the principle of utilization of other creatures by humankind, the question rises as to whether this right is restricted only to a group of creatures or human beings are entitled to use all creatures to their own benefit.

Given the application of the two words ma(5) and jami'an in the verse, (khalaqa lakum ma fi al-ardhi jami'an = [He] created for you all that is in the earth.), it is understood that man is permitted to make use of all that is in the earth. That is because, according to the Holy Qur'an, all that is in the heaven and earth is made subject to and disposed for man; therefore, human right for utilization is not restricted to a specific species or type of creatures.

(Do you not see that Allah has disposed for you whatever there is in the heavens and whatever there is in

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۱- Q. ۱۶:۸۰.

۲- Wasa'il al-Shi'a ila Tahsil Masa'il al-Shari'a, ۸/۳۳۹, No. ۱.

۳- Al-Mahasin, ۲/۶۲۶, No, ۸۸.

۴- Al-Kafi, ۹/۵۳۶, No. ۵.

۵- In Arabic literature, the word ma is regarded as a relative noun, which in most cases is used for creatures devoid of rational thinking, contrary to the word man, which in most cases is used for creatures endowed with rational thinking. For this reason, ma is more inclusive than man; see: 'Aqili Hamadani, 'Abd Allah b. 'Aqil, Sharh Ibn 'Aqil, ۵th edition, Nasir Khuwsraw, Tehran, ۱۴۰۹/۱۹۸۸, ۱/۱۴۷-۱۴۸.

the earth and He has showered upon you His blessings, the outward and the inward?)(۱)

And He has disposed for you [benefit] whatever is in the heavens and whatever is on(the earth; all is from Him. There are indeed signs in that for a people who reflect.)(۲)

۳. The Type of Utilization of the Creatures

After accepting the permission for utilization and its non-restriction to a specific type of creature, the most important issue is determining the extent of this utilization.

There are two views in Islamic sources concerning determining the extent of man's utilization of creatures:

۱.۳ . Non-Restriction: Some believe that the result of accepting "the creation of creatures for man" is the license for man's unrestricted use of them (principle of permissibility = ibaha), because making benefit from some creatures is something that man's intellect is capable of comprehending without needing this legal precept.(۳) Consequently, by virtue of intellect and religion (texts), man is entitled to use the natures' inanimate as well as the animate creatures in whatever way that they desire, except when we find a specific reason for the impermissibility of a specific type of exploitation.(۴)

۲.۳. Restriction: In contrast, yet some others believe that the creation of creatures for man only suggests the existence of an formative relationship between man and other creatures, according to which the goal for creating the creatures is for man to make use of, without specifying what kind of utilization is legally or morally permissible.(۵)

It seems that the statement, (It is He who created for you all that is in the earth,).

۱- Q. ۳۱:۲۰.

۲- Q. ۴۵:۱۳.

۳ - Fadhil Tuni (Al-Bushrawi al-Khurasani), Al-Mawla ‘Abd Allah b. Muhammad, Al-Wadiia fi Usul al-Fiqh, ed. Al-Sayyid Muhammad Husayn al-Radhawi al-Kishmiri, Majma‘ al-Fikr al-Islami, Qum, ۱۴۱۲/۱۹۹۱, p. ۱۲۵.

۴- Zubdat al-Bayan fi Ahkam al-Qur'an, p. ۷۳.

۵ - Tawhidi Tabrizi, Muhammad ʽAli, Misbah al-Fiqaha, ۷ vols. ۳rd edition, Qum, Matbaʽatu Sayyid al-Shuhada, ۱۴۱۲/۱۹۹۲, ۱/۲۱۱-۲۱۲; Khomeini, Sayyid Mustafa, Tafsir al-Qur’an al-Karim, The Institute for Compilation and Publication of Imam Khomeini’s Works, ۵ vols. ۱۴۱۸/۱۹۹۷, ۵/۱۵۴.

although applying to individuals, i.e., suggesting the creation of all creatures for humankind, it does not apply to states, i.e., there is no mention of how to use the creatures. So, it cannot be claimed that human beings has the right to use the creatures in whatever way they wish; rather, we should seek for a specific reason for being permitted as well as in what way to utilize any creature.(۱)

۴. Principles of Utilization

As our findings indicate, man’s utilization of animals is based on two fundamental principles:

۴.۱. Coordination with Existential Structure: The shape and type of the body of any animal is designed to fulfill a specific goal; thus, human beings have to coordinate their utilization of the animals with that goal.(۲)

This essential point can be epitomized in the phrase “escaping from injustice and welcoming justice”; for, what is meant by “justice” is to put everything in their right place, and in contrast, injustice is not to put everything in their right place. Therefore, if man’s use of the animals is proportionate to the goal for their creation, it is permissible as it is justice; and on the contrary, if the utilization is not proportionate to that goal, since it is injustice it is regarded as indecent and illegitimate in the Islamic

.law

The observance of utilization and its coordination with the existential structure of animals can be well understood from the following saying of the Holy Prophet (S.A.W.):

Beware of using the animals' backs as pulpits, as the Almighty and Glorious Allah has subjected

p: ۵۳

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۱ - Khomeini, Sayyid Mustafa, Tahrirat fi al-Usul, ۸ vols. The Institute for Compilation and Publication of Imam Khomeini's Works, ۱۴۱۸/۱۹۹۷, ۷/۱۹۹-۲۰۰.

۲- Sharh al-Azhar, ۳/۲۵۶.

them to you so that you can reach towns to which you would not reach unless with hardship.(۱)

Therefore, we can neither stop using the animals' meat by turning to vegetarianism on the pretext of avoiding hurting them,(۲)because in this case the goal for creation is not fulfilled and it will remain in vain,(۳) nor can we exploit them beyond their existential structure on the pretext of the existence of a possessive relationship between man and animals – as some have claimed(۴) – because all that possession proves is the right to use them, but it fails to indicate the method and the type of utilization.

۲.۴. Consistency with Divine Prohibition:(۵) From the Islamic point of view, animals, like human beings, have a non-material soul, by which they enjoy a lasting coexistence with humankind, a coexistence that starts in the world and continues until the Day of Resurrection (resurrection of the animals).

Accepting a non-material and celestial dimension for animals in the Islamic cognition system would entail a value and status for them which is referred to as "reverence of the soul" or "divine right",(۶) a status that is undoubtedly influential in the way man utilizes the animals.

The existence of this intangible value status for the animals (in Islam) is considered as a basis for expressing various legal opinions about them:

Protection of lost animals and saving them from death;(۷)

Dropping goods off the ship in order to save animals from drowning [in the storm];(۸)

Non-permission to separate the occupied parts of the ship in case

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۱- Sunan Abi Dawud, ۱/۵۷۸, No. ۲۵۶۷; Bayhaqi, Ahmad b. Husayn, Al-Sunan al-Kubra, ۱۰ vols. Dar al-Fikr, Beirut, n.d, ۵/۲۵۵.

۲- Tabarsi, Al-Hasan b. al-Fadhl, Makarim al-Akhlaq, ۶th edition, Manshurat al-Sharif al-Radhi, ۱۳۹۲/۱۹۷۲, p. ۳۰.

۳- Faydh al-Qadir Sharh Jami' al-Saghir, ۲/۶۶-۶۷, No. ۱۳۰۳; Al-Maqsad al-Asna fi Sharh Ma'ani Asma Allah al-Husna, ۵/۵۸۲.

۴- Kashshaf al-Qina', ۵/۵۸۲.

۵- It is to be noted that apart from Divine prohibition and spirtitual prohibition, the term "respected animal" is also used in legal texts, which refers to the animals that are impermissible to kill or cannot be killed without observing the religious rules (slaughter); see: Karaki, 'Ali b. Husayn, Jami' al-Maqasid fi Sharh al-Qawa'id, ۱۳ vols. Al al-Bayt Institute, Qum, ۱۴۰۸/۱۹۸۷, ۶/۳۰۴.

۶- Ardabili, Mulla Ahmad, Majma' al-Fa'ida wa al-Burhan fi Sharh-i Irshad al-Adhhan, ed. Ishtahardi, ۱۴ vols. Jami'a-yi Mudarrisin, Qum, ۱۴۰۳/۱۹۸۳, ۱۰/۳۱۸; Jawahir al-Kalam fi Sharh Shara'i' al-Islam, ۲۷/۱۱۱.

۷- Al-Mughni, ۶/۳۷۱; Tadhkirat al-Fuqaha, ۲/۲۶۹.

۸- Kashshaf al-Qina', ۳/۴۴۵, ۴/۱۶۱-۱۶۲.

it will cause the drowning of the animals being carried in it;(۱)

Non-permission to pull out the suture thread from the (injured) animal's body in case it leads to the animal's death or (further) injury;(۲)

Necessity to release the animal from a (occupied) container or place in which it has been trapped, even though it leads to their dismantling;(۳)

Necessity of providing fodder, water, and other requirements of the animal that is in someone else's disposal (held in trust), even though the owner disagrees with this;(۴)

Necessity of dressing the wounds of the animal even though the stuff used for dressing belongs to someone else (usurped).(۵)

It is by the acceptance of such divine status that the issue of blood money for committing crime against the animals is set forth in the sources of Islamic law. As inadvertent killing of people, amputating them, and injuring their body causes the perpetrator to pay blood money to the victim, so also such treatment of the animal necessitates payment of blood money, which indicates the significance of the life and security of the animal's body and impermissibility of hostility towards them in Islam.(۶)

Whoever blinds an animal, must pay off one fourth of its price as blood money.(۷)

In regard to the horse that was killed in a collision with another horse, the Commander of the Faithful Imam 'Ali (A.S.) said, "the owner of the living horse is responsible to pay for the blood money of the horse killed."(۸)

It is worth mentioning that this Islamic ruling includes the animal's fetus

p: ۵۵

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۱ - Jawahir al-Kalam fi Sharh Shara'i' al-Islam, ۳۷/۷۷; Masalik al-Afham ila Tanqih Shara'i' al-Islam, ۱۲/۱۷۶; Hilli, Muhammad b. Hasan, Idhah al-Fawa'id fi Sharh Ishkalat al-Qawa'id, ۴ vols. 'Ilmiyya Publications, Qum, ۱۳۸۷/۱۹۶۷, ۲/۱۸۷; Ibn Barraj Tarablusi, Qadhi 'Abd al-'Aziz, Al-Muhadhdhab, ۲ vols. ed. Ja'far Subhani, Jami'a-yi Mudarrisin, Qum, ۱۴۰۶/۱۹۸۶, ۱/۴۴۷; Al-Mabsut fi Fiqh al-Imamiyya, ۳/۸۶; Kashshaf al-Qina', ۴/۱۶۱-۱۶۲.

۲ - Al-Mughni, ۵/۴۲۴; Kashaf al-Qina', ۴/۱۰۶; al-Mabsut, ۱۱/۹۳; Al-Majmu' fi Sharh al-Muhadhdhab, ۱۴/۲۶۷; Fath al-'Aziz fi Sharh al-Wajiz, ۱۱/۳۲۷; Al-Mabsut fi Fiqh al-Imamiyya, ۳/۸۷; Jawahir al-Kalam fi Sharh Shara'i' al-Islam, ۳۷/۸۰; Jami' al-Maqasid fi

.Sharh al-Qawa'id, ۶/۳۰۵

Al-Sharh al-Kabir, ۵/۳۸۲; Al-Mughni, ۵/۴۲۷-۴۲۸; Masalik al-Afham ila Tanqih Shara'i' -۳ .al-Islam, ۱۲/۲۴۲; Tadhkirat al-Fuqaha, ۲/۳۹۲

.Tadhkirat al-Fuqaha, ۲/۲۰۳; Al-Khilaf, ۴/۱۷۵, issue ۹ -۴

Fadhil Hindi, Muhammad b. Hasan, Kashf al-Litham, ۲ vols. Ayatollah Mar'ashi - ۵ .Library, Qum, ۱۴۰۵/۱۹۸۴, ۲/۱۱۸

.For more information see: Jawahir al-Kalam fi Sharh Shara'i' al-Islam, ۴۳/۳۹۰-۴۰۰ -۶

.Al-Kafi, ۷/۳۶۸, No. ۳; also, see: p. ۳۶۷, No. ۱, ۲ -۷

.Al-Kafi, ۷/۳۶۸, No. ۹ -۸

as well and if someone hurts a female animal aborting its fetus, they have to pay one (tenth of the price of the female animal as blood money. (۱

Similarly, although fogs are regarded as impure by Islamic law and it is indecent for the Muslims to mingle with them, they are not an exception to this rule and harming (them would entail paying blood money.(۲

Indicators for Utilizing Animals

point

As far as our studies show, five significant indicators are set forth in Islamic sources for utilizing the animals, which include protection of animals' lives, protection of animals' bodily health, protection of animals' sexual need, abstaining from harming .and maltreating of animals, and abstaining from punishing animals

However, with a little attention, it will be cleared that the pivot of these indicators is the magnanimity in using the animals, that if the human society keeps it in mind, the .above five principles would automatically be taken care of, as well

The principle of magnanimity is finely illustrated in three anecdotes related from the .(.Holy Prophet (S.A.W

The Holy Prophet (S.A.W.) of Islam regards as against magnanimity keeping loads on .the back of a camel while its feet are tethered

The Holy Prophet (S.A.W.) saw a camel whose feet were tied while holding its load on its back. He asked: "Where is its owner? He is not manly [magnanimous]. Let him be ready for judgment on the Day of Resurrection."(۳)

Similarly, he does not regard as permissible taking a piece of bread from the sheep's mouth by forcing its neck.

Umm Salama

۱- Al-Kafi, ۷/۳۶۸, No. ۸.

۲- Wasa'il al-Shi'a ila Tahsil Masa'il al-Shari'a, ۱۹/۱۶۷-۱۶۸; Al-Kafi, ۷/۳۶۸.

۳- Bihar al-Anwar, ۷/۲۷۶; Nur al-Thaqalayn, ۱/۷۱۵.

said, "I was with the Holy Prophet (S.A.W.) when suddenly the neighbor's sheep entered the house and picked a piece of bread that was lying before us. I rushed toward it and took the bread off its mouth. The Holy Prophet (S.A.W.) said, 'It was not proper to press the animal's neck'."(۱)

And finally, when one of the Muslim women escaped from the Quraysh pagans and made a vow to sacrifice upon her return the camel by which she had escaped upon her return, the Holy Prophet (S.A.W.) points out to her what an awful reward she had promised to this camel that saved her from the enemy, and she was going to kill it. Such a vow is not valid.(۲)

۱. Protection of Animals' Lives

Protecting the lives of animals – despite the expenses it entails – like protection of human life is a principle in Islamic law(۳), which is incumbent upon all Muslims to do their best to achieve.

The Holy Qur'an considers the value of the soul of a single person as equal to that of all other human beings and regards granting life to a single person as granting life to all the human beings.

anyone who kills any person without another soul being involved or for causing ... (mischief in the land, acts as if he had killed all mankind. Anyone who spares life acts as (if he had granted life to all mankind.)(۴

There are similar notions in hadith sources concerning animals, too. The Commander of the Faithful Imam 'Ali (A.S.) has referred to

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Zamakhshari, Mahmud b. 'Umar, Al-Fa'iq fi Qarib al-Hadith, Dar al-Kutub - ۱ .al-'Ilmiyya, Beirut, ۱۴۱۷/۱۹۹۶, ۲/۴۰۵; Al-Nihaya fi Gharib al-Hadith, ۳/۲۱۱

Shafi'i, Abu 'Abd Alla Muhammad b. Idris, Al-Musnad, Dar al-Kurub al-'Ilmiyya, - ۲ .Beirut, ۱۴۰۰/۱۹۷۹, ۳۱۸-۳۱۹; Ahmad, Musnad; ۴/۴۳۰; Bayhaqqi, Al-Sunan al-Kubra, ۱۰/۷۵

The late Shahid al-Thani states the similarity of man and animal in protecting their -۳ lives as follow: "As it is obligatory to spend property to protect mankind, so also it is obligatory to spend it to protect the respected animal, although it belongs to someone .else." Masalik al-Afham ila Tanqih Shara'i' al-Islam, ۱۲/۱۲۰

.Q. ۵:۳۲ -۴

undertaking the custody of an animal whose owner has abandoned it due to financial (disability to provide for its expenses as "giving new life" (ihya).(۱

This principle enjoys such a status in Islamic thought that the life of the insects and tiny creatures are not neglected, as the Muslims are obliged to protect their lives lest .they are unintentionally hurt

To this end, the Holy Prophet (S.A.W.) advises the Muslims to avoid unnecessary nighttime walks on the passageways so that the tiny creatures that show up during (the night to procure food would not be trampled.(۲

Paying attention to such a principle concerning the animals has become the ground :for deducing various rulings in Islamic law

Ablution (wudhu) and Protecting the Lives of Animals: Any Muslim is obliged to . ۱.۱

perform ablution with some water for their daily prayers. If the water available is limited and there is an animal around that is thirsty and in need of the water (for ablution), it is incumbent (wajib) upon the Muslim(٣) to give the water to the thirsty animal and perform dry ablution (tayammum) for their prayer.

The importance of such a ruling becomes clear when we find out that it is not necessary for the animal to be so thirsty that if the water is not given to it, it would die of thirst. Rather, even the possibility of its risk of dying in the future due to the likelihood of unavailability of water is sufficient for this purpose. It is for this reason that the

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١- Al-Kafi, ٥/١٤١, No. ١٦.

٢- Al-Adab al-Mufrad, pp. ٢٦٣-٢٦٤, No. ١٢٣٣; San'ani, 'Abd al-Razzaq, Al-Musannaf, ed. Habib al-Rahman al-A'zami, ١١ vols. Majlis al-'Ilmi, n.d, ١١/٤٦, No. ١٩٨٧٢; Al-Sunan al-Kubra, ٦/٢٣٣, No. ١٠٧٧٨; Bihar al-Anwar, ٧٣/٢٦٤.

٣- It is noteworthy that some of the jurists, by dividing the animals into respected and unrespected such as dogs and pigs, regard using the water for preserving the life of the animal as permissible not obligatory (wajib).

Muslim jurists emphasize the use of khawf (fear = i.e. fear of inaccessibility of water in the future), as there is no difference between the animal belonging to oneself and the one belonging to another person.(١)

١.٢. Prayer (Salat) and Protection of Animals' Life: Performing prayers is among the religious obligations. The Muslims are not permitted (it is unlawful for them) to give up (interrupt) their prayer before it is over. However, if the life of an animal is in danger, it is obligatory for the Muslim to give up their prayer and try to protect or save the life of that animal.(٢)

١.٣. Fasting and the Protection of Animals' Life: Similarly, if saving the life of an animal is subject to breaking one's obligatory fast, such as when an animal is drowning, and saving it requires the person to dip their head completely under water or breathe

some gas (dense smoke), it is incumbent upon the Muslim to proceed to save the life (of the animal.(۳

Inviolability of other Peoples' Properties and Animals' Life: If a person who is .۴.۱ taking care of an animal is not capable of providing fodder for their animal at a certain time and in case no one else would be ready to help them thereupon and the animal's life is in serious danger, they can use (usurp) the fodder belonging to another person in any possible way, without the owner's permission, and pay back the price of the fodder to its owner after their financial status

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Muntaha al-Matlab, ۱/۱۵۳; Hilli, Al-Hasan b. Yusuf, Nihayat al-Ahkam fi Ma'rifat al- -۱ Ahkam, ed. Sayyid Mahdi Raja'i, ۲ vols. ۲nd edition, Al al-Bayt Institute, Beirut, ۱۴۱۰/۱۹۸۹, ۱/۱۸۹; Sabziwari, Muhammad Baqir, Dhakhirat al-Ma'ad fi Sharh al-Irshad, ۳ vols. Lithography, Al al-Bayt Institute, ۱/۹۵; Masalik al-Afham ila Tanqih Shara'i' al-Islam, ۱۲/۴۹۸; Tabataba'i, Sayyid 'Ali, Riyadh al-Masa'il fi Bayan al-Ahkam bi al-Dala'il, ۲ vols. Lithography, Al al-Bayt Institute, Qum, ۱۴۰۴/۱۹۸۳, ۱/۷۴; Qummi, Mirza Abu al-Qasim, Ghana'im al-Ayyam fi Masa'il al-Halal wa al-Haram, ed. 'Abbas Tabriziyan, ۵ vols. Maktab al-A'lam al-Islami, ۱۴۱۷/۱۹۹۶, ۱/۳۳۰; Jawahir al-Kalam fi Sharh Shara'i' al-Islam, ۵-۱۱۴-۱۱۶; Tabrizi Gharawi, Mirza 'Ali, Al-Tanqih fi Sharh al-'Urwat al-Wuthqa (Kitab al-Tahara), ۱۰ vols. ۳rd edition, Dar al-Huda, Qum, ۱۴۱۰/۱۹۸۹, ۹/۴۴۷; Hakim, Hakim, Sayyid Muhammad Sa'id, Hawariyat al-Fiqhiyya, ۱۴۱۶/۱۹۹۶, p. ۱۰۱; Sharh al-Azhar, ۱/۱۲۳; Rafi'i, 'Abd al-Karim b. Muhammad, Fath al-'Aziz fi Sharh al-Wajiz, ۱۲ vols., Dar al-Fikr, ۲/۲۴۰; Sharbini, Muhammad, Mughni al-Muhtaj ila Ma'rifat Ma'ani Alfaz al-Minhaj, ۴ vols. Dar Ihya' al-Turath al-'Arabi, Beirut, ۱۳۷۷/۱۹۵۸, ۳/۴۶۳; Bihar al-Anwar, ۶۱/۲۱۸.

Hilli, Yahya b. Sa'id, Nuzhat al-Nazir fi al-Jam' bayn al-Ashbah wa Naza'ir, ed. -۲ Ahmad al-Husayni, Al-Adab, Najaf, ۱۳۸۶/۱۹۶۴, p. ۴۳.

Al-Iqna' fi Hall Alfaz Abi Shuja', ۱/۲۲۴; Mughni al-Muhtaj ila Ma'rifat Ma'ani Alfaz al- -۳ Minhaj, ۱/۴۴۱; Hawashi al-Shirwavi, ۳/۴۴۳.

(is normalized.(۱

It is noteworthy that protection of Animals' life and health is among the issues that is not merely restricted to the animal's owner; rather, it is obligatory (a collective obligation) upon other people, who witness an animal's being killed or injured, not to withhold their protection as a social duty (a benevolent action) from the animals.

With this explanation, the significance of the following saying of the Holy Prophet (S.A.W.) regarding the value of saving the life of the animals can be understood:

The Apostle of Allah (S.A.W.) said, "A prostitute encountered a dog near a well that was about to die of thirst; she took off her shoe, tied it to her scarf, and drew some water from the well for the dog. This caused the forgiveness of her sins."(۲)

It is worth mentioning that in some hadith sources, this narration has been quoted in another way, in which the Holy Prophet (S.A.W.) in the end of his saying has referred to the rule, "fi kulli dhati kabidin ratbatin ajrun" (lit. translation: in every wet liver, there is reward, meaning quenching every thirsty liver is rewarded.).(۳)

In the desert one found a thirsty dog,

With naught of his life but last gasp left;

That man of seemly ritual made his hat a bucket,

Binding his turban thereto as a rope;

His loins he girt in service and opened up his arms,

And gave the helpless dog a fraught of water –

At all of which the Messenger (S.A.W.) proclaimed that man's condition

As pardoned by the Arbiter of Sins!(۴)

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1 - Hilli, Hasan b. Yusuf, Qawa'id al-Ahkam fi Ma'rifat al-Halal wa al-Haram, ۳ vols. Mu'assisa-yi Nashr-i Islami, Qum, ۱۴۱۳/۱۹۹۲, ۳/۱۱۸; Idhah al-Fawa'id fi Sharh Ishkalat al-Qawa'id, ۳/۲۹۰; Kashf al-Litham, ۲/۱۱۸; Al-Hada'iq al-Nadhira fi Ahkam al-'Itrat al-Tahira, ۲۵/۱۴۳.

2- Ahmad, Musnad, ۲/۵۱۰.

3- See: Sunan Abi Dawud, ۱/۵۷۴-۵۷۵, No. ۲۵۵۰; Ahmad, Musnad, ۲/۳۷۵; Bihar al-Anwar, ۶۲/۶۵.

4- English translation adopted from G.M. Wickns, The Bustan of Sheikh-e Ajal Saadi, chapter ۲, p. ۷۷, published by the Iranian National Commission of UNESCO, ۱۹۸۴.

Killing and Hunting Animals: Despite such an attitude towards animals' life, there is no wonder to know that killing animals except for using their meat in cases that their meat is consumable (ma'kul al-lahm) and man is in need of it, is not permissible.(1) That is why the Holy Qur'an regards the aimless killing of animals, which results in the extinction of their species, as indication of vicious (corrupt) human beings.(2)

)And if he were to wield authority, he would try to cause corruption in the land, and to ruin the crop and the stock [humans and animals], and Allah does not like corruption.)(3)

Accordingly, with the advent of Islam, the paganist tradition of muaqara (contending), in which the contenders practiced killing a great number of camels in a kind of contest to show off their financial authority, was declared as forbidden.(4)

When the Commander of the Faithful Imam 'Ali (A.S.) found out a number of camels were killed as per the above (paganist) practice, he did not allow people to eat the meat and ordered it to be transferred to the city's garbage dump so that only the carnivorous animals could eat it, because those camels were not killed for the purpose of human consumption.(5)

Perhaps it is for this consideration that God does not consider the slaughter of an animal as permissible without mentioning the name of God so as to draw human beings' attention to the fact that using animals' meat is permissible only when the animals are slaughtered according to

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Masalik al-Afham ila Tanqih Shara'i' al-Islam, ۱۲/۱۷۹; Fath al-'Aziz fi Sharh al-Wajiz, -۱ .۱۱/۳۲۷-۳۲۸; Al-Muhalla, ۱۱/۶

Tafsir al-Imam al-'Askari, Madrisat al-Imam al-Mahdi, Qum, ۱۴۰۹/۱۹۸۸, p. ۶۱۹; Al-Safi -۲ .fi Tafsir Kalam Allah, ۱/۲۴۰

.Q. ۲:۲۰۵ -۳

.See: Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, ۱۶/۱۶۰, No. ۱۹۴۶۶ -۴

Al-Madani al-Shirazi al-Husayni, Al-Sayyid 'Ali Khan, Al-Darajat al-Rafi'a fi Tabaqat -۵ al-Shi'a, Maktibatu Basirati, ۱۳۹۷/۱۹۷۶, p. ۵۴۲; Hamawi, Yaqut b. 'Abd Allah, Mu'jam al-Buldan, Dar Ihya al-Thurath al-'Arabi, Beirut, ۱۳۹۹/۱۹۷۸, ۳/۴۳۱-۴۳۲

(Divine rules.(۱

He has only forbidden you what has died by itself, blood and pork, and anything that((has been consecrated to something besides God.)(۲

The prohibition of killing animals except for using their meat (akl)(۳) and the prohibition of killing them without a purpose (in vain)(۴) is among the principles that .have various applications in Islamic jurisprudence

For instance, "If an animal gets its head stuck in a container belonging to someone else, the animal cannot be killed under the pretext of preserving the container, however valuable it may be."(۵) "If an animal is in danger because of thirst, that animal cannot be slaughtered [without giving it water] and use the available water for (performing ablution, because such an act is against Divine grace and kindness."(۶

Among the most important legal consequences of this principle is the prohibition of travel for hunting animals. All Muslim jurists – except for Abu Hanifa(۷) – regard as forbidden all the recreational trips intended for hunting animals (idle hunting), which is not permissible for a Muslim person(۸); and if they do it, they are obliged, contrary to other travelers, to perform their prayers in the full format (tamam) and observe the .fast during the month of Ramadan, as well

As we know, according to the Islamic law, if a Muslim gets as far as ۲۴ kilometers away from their residence, they have to perform the four-rak‘a prayers of noon (zuhr), afternoon (asr), and late evening (‘isha’) in shortened (two-rak‘a) format (qasr). Similarly, it is not permissible to observe

p: ۶۲

۱- Akhlaq Islami wa Shikar, “Payam Dustdaran-i Tabi‘at”, ۱۳۷۷, No. ۲ ۳, p.۷; Nuri, Yahya, Islam wa ‘Aqa’id wa Ara’ Bashari, ۲nd edition, Mu’assis-yi Matbu‘ati Farahani, Tehran, ۱۳۴۶ sh/۱۹۶۷, p. ۷۰۸-۷۰۹.

۲- Q. ۲:۱۷۳.

۳- Sharbini Khatib, Al-Iqna‘ fi Hall al-Alfaz Abi Shuja‘, ۲ vols. Dar al-Ma‘rifa Beirut, ۲/۱۴۲; Al-Shirvani, ‘Abd al-Hamid, Hawashi al-Shirvani, ۱۰ vols. Dar Ihya’ al-Turath al-‘Arabi, Beirut, ۸/۳۷۲.

۴- Sayyid bakri Damyati, I‘anat al-Talibin, ۴ vols., Dar al-Fikr, Beirut, ۱۴۱۸/۱۹۹۷, ۲/۳۹۱.

۵- Kashshaf al-Qina‘, ۴/۱۰۷, ۵/۵۸۲.

۶- Ghana’im al-Ayyam fi Masa’il al-Halal wa al-Haram, ۱/۳۳۰.

۷ - According to Abu Hanifa this trip is objectionable (makruh); Mawahib al-Jalil bi Sharh Mukhtasar Khalil, ۲/۴۸۷.

۸- Tabrizi Gharawi, Mirza ‘Ali, Al-Tanqih fi Sharh al-‘Urwat al-Wuthqa (Kitab al-Salat), ۸ vols. ۳rd edition, Dar al-Huda, Qum, ۱۴۱۰/۱۹۸۹, ۸/۱۱۳-۱۱۴.

fast if this journey falls within the month of Ramadan. However, these two rulings do not apply to the one who goes on a trip for hunting and does not intend to procure food or earn livelihood for himself and his family. It is only Abu Hanifa, from among the Muslim jurists, who maintains that when travelling with the intention of hunting, the shortened prayers (qasr) and breaking one’s fast (iftar) would be necessary.(۱)

Condemning such a travel, the Infallible Imams (A.S.) have referred to it with phrases like travel of vanity (kharaja fi lahw);(۲) false way;(۳) unjust way (laytha bi masir-i haq);(۴) acquisitiveness (kharaja li talab al-fudhul).(۵) They have stressed that the Almighty Allah regards as lawful the hunting of animals only when human beings are in dire need of it and have no other ways for procuring their food (mudhtar, i.e. being

in desperate plight).(۶) It is with this consideration that Imam al-Baqir (A.S.) and Imam al-Sadiq (A.S.), in interpreting the statement, (But should someone be compelled, without being rebellious or aggressive...), which is repeated in verses ۱۷۳ of Surat al-Baghara, ۱۴۵ of Surat al-An'am, and ۱۱۵ of Surat al-Nahl, have clearly stated that the one who hunts animals with the intention of entertainment (play and pastime) is oppressive and acquisitive (rebellious), and the rules of being mudhtar do not apply to him.(۷)

According to Imam al-Sadiq (A.S.), killing animals (with intention of play and pastime) is among the most disgusting sins:

The most disgusting sins are three: to kill animals; not

۱- See: Al-Kafi, ۴/۱۲۹, No. ۳; Tusi, Muhammad b. Hasan, Al-Khilaf, ed. Sayyid 'Ali al-Khurasani, ۶ vols. Mu'assisa-yi Nashr-i Islami Qum, ۱۴۰۷/۱۹۸۷, ۱/۵۸۸; Al-Rasa'il al-'Ashr, p. ۲۱۵; Al-Sara'ir al-Hawi li Tahrir al-Fatawi, ۱/۳۲۸; Ghana'im al-Ayyam fi Masa'il al-Halal wa al-Haram, ۲/۱۲۵; Tabataba'i, Sayyid Muhammad Kazim, Al-'Urwat al-Wuthqa wa Takmilatuha, ۲ vols. ۲nd edition, Mu'assisat al-A'lami, Beirut, ۱۴۰۹/۱۹۸۸, ۲/۱۲۳/-۱۲۴, No. ۳۱; Muhammad Amin, Zayn al-Din, Kalimat al-Taqwa, ۷ vols., ۳rd edition, ۱۴۱۳/۱۹۹۲; ۱/۶۱۹, No. ۱۲۰۸; Qummi Sabziwari, 'Ali b. Muhammad, Jami' al-Khilaf wa al-Wifaq Bayn al-Imamiyya wa bayn al-A'immat al-Hijaz wa al-'Iraq, ed. Husayn Husayni Birjandi, Zamina Sazan-i Ẓuhur-i Imam-i 'Asr (A.S.), Qum, ۱۴۲۱/۲۰۰۱, p. ۱۰۳.

۲- Tahdhib al-Ahkam fi Sharh al-Muqni'a, ۳/۲۱۸, No. ۵۴۰.

۳- Al-Kafi, ۳/۴۳۷, No. ۴.

۴- Tusi, Muhammad b. Hasan, Al-Istibsar fi Makhtalafa min al-Akhbar, ed. Sayyid Hasan al-Khirsan, ۴ vols. ۴th edition, Dar al-Kutub al-Islamiyya, Tehran, ۱۴۰۵/۱۹۸۵, ۱/۲۳۵, No. ۸۴۱۲.

۵- Man la Yahdhuruhu al-Faqih, ۱/۲۰۲, No. ۶۰۶-۶۰۷.

۶- Bihar al-Anwar, ۷۳/۳۵۶, No. ۲۲

۷- See: Al-Kafi, ۳/۴۳۸, No. ۷; Tahdhib al-Ahkam fi Sharh al-Muqni'a, ۹/۸۳-۸۴, No. ۳۵۴.

to give women their dowries; and to avoid paying the workers their wages.(۱)

The Commander of the Faithful Imam 'Ali (A.S.) considers the one who kills an animal :intentionally and in vain as deserving punishment

The Commander of the Faithful Imam 'Ali (A.S.) passed a decree for the one who kills an animal without a purpose, cuts down a tree, ruins the crop, destroys a house, or drains a spring or river to pay off the cost of what they have destroyed or ruined and to receive a number of lashes. If they do it by mistake or unintentionally, then they (should only pay for the damage and not to be punished.(۲

In the Holy Prophet's (S.A.W.) view, anyone who kills an animal unreasonably (unrightfully), that animal will bring them to trial in the Divine Presence on the :Resurrection Day

There is no animal – birds, etc. – that is killed unrightfully, except that it will call its (killer to trial on the Resurrection Day.(۳

No one would kill a sparrow or bigger than that unrightfully except that the Almighty and Glorious Allah would call them to account. The Holy Prophet (S.A.W.) was asked, "What is the animal's right?" He answered, "To slaughter it (for procuring their food) (and eat it, rather than cut off its head and throw it away."(۴

Accordingly, the life of small birds, such as swallows, hoopoes, and sparrows are to be respected(۵) and the believing person is not permissible to deprive them of the right to (live without reason.(۶

Whoever kills

.Makarim al-Akhlaq, p. ۲۳۷ -۱

.Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, ۱۸/۱۹۹, No. ۲۲۴۹۵ -۲

Muttaqi Hindi, 'Ala al-Din 'Ali, Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, ed. Bakri -۳ .Hayati, ۱۶ vols. Mu'assisat al-Risala, Beirut, ۱۴۰۹/۱۹۸۹, ۱۵/۳۷, No. ۳۹۹۶۸

Sha'rani, Sayyidi 'Abd al-Wahhab, Lawaqi' al-Anwar al-Qudsiyya fi Bayan al-'Uhud -۴

.al-Muhammadiyya, Mustafa al-Babi al-Halabi wa al-Ulada, Egypt, ١٣٩٣/١٩٧٣, p. ٧٢١

Al-Kafi, ۶/٢٢۴, No. ٣; Saduq, Muhammad b. ʻAli, Al-Khisal, ed. ʻAli Akbar Ghaffari, - ۵ .Jamiʻa-yi Mudarrisin, ١۴٠٣/١٩٨٢, p. ٣٢٧

Shawkani, Muhammad b. ʽAli, Nayl al-Awtar min Hadith Sayyid al-Akhyar, ٩ vols. - ۶ .Dar al-Jil, Beirut, ١٣٩٣/١٩٧٣, ١۵/٣٧/٣٨, No. ٣٩٩٧١

a sparrow without reason, that sparrow will complain of them to Allah on the Resurrection Day and say, "O Lord! Such and such a person killed me aimlessly and for (no benefit."(١)

No one would kill a sparrow except that it will complain on the Resurrection Day and say, "O Lord! This man killed me with no reason, neither benefitting from my killing nor (leaving me to live on in Your earth."(٢)

Whoever kills a sparrow unrightfully, Allah will call them to account on the Resurrection Day. People said, "What is its right [the right thing to do]?" He replied, "To (slaughter it, rather than holding its neck and cutting it off."(٣)

This ruling is not merely limited to the animals whose meat is eatable (ma'kul al-lahm); rather, from the viewpoint of the Muslim jurists, man is not permitted to kill animals that do not do any harm to him without any reason and in normal conditions.(۴) Even in the wartime, the animals that are scattered in the war-ravaged territories should not be killed on the pretext of the war condition or taking revenge (the enemy.(۵)

Although killing animals that can endanger human life and inflict harm upon him, like different kinds of reptiles (wild animals), is permissible in view of Muslim jurists,(۶) it is not clear that one is permitted to commit such an act without feeling threatened by them,(٧) because the religious permission for killing such animals is subject to their (potential threat against human beings; otherwise labeling them as harmful (mudhi

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.Kanz al-Ummal fi Sunan al-Aqwal wa al-Afʻal, ١۵/٣٧-٣٨, No. ٣٩٩٧١ -١

Al-Haythami, 'Ali b. Abi Bakr, Majma' al-Zawa'id wa Manba' al-Fawa'id, ١٠ vols. Dar -٢ .al-Kutub al-'Ilmiyya, Beirut, ١۴٠٨/١٩٨٨, ۴/٣٠

.Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, ١۵/۴٠, No. ٣٩٩٨۶ -٣

Majma' al-Fa'ida wa al-Burhan fi Sharh-i Irshad al-Adhhan, ١١/٣٢٧; Jawahir al- - ۴ Kalam fi Sharh Shara'i' al-Islam, ٣٧/٨١; Rasa'il al-Sharif al-Murtadha, ٢/٣٧٣; Sharh al-.Azhar, ۴/۴٣۵

.Halabi, Al-Kafi, p. ٢۵۶; Tadhkirat al-Fuqaha, ١/۴١٣ -۵

.Rasa'il al-Sharif al-Murtadha, ٢/٣٧٣; Sharh al-Azhar, ۴/۴٣۵ -۶

Although the late Sayyid Murtadha believes that one can kill harmful animals - ٧ without having been motivated by self-defense, even though no potential threat is felt from them, Muhaqqi Hilli asserts that if a person as self-defense inflicts a crime upon an animal that has been attacking him, he is not accountable, he will be accountable when there has been no threat fom the animal in case it has an owner. See: Rasa'il al-Sharif al-Murtadha, ٢/٣٧٣; Shara'i' al-Islam, ۴/١٠٢٧; Jawahir al-Kalam fi .Sharh Shara'i' al-Islam, ۴٣/١٣٠

is not right even though they are potentially harmful.(١) That is why the Holy Prophet (S.A.W.) has permitted killing an animate creature only when it is harmful and hurting .to human beings

The Apostle of Allah (S.A.W.) prohibited [people] from killing any animate creature, (unless when it threatens to harm.(٢

By virtue of the restricting concept of illa (unless) and the permissibility of using the derivative of yudhi in respect to the person who would in future appeal to the origin of the verb (al-talabbus bi al-mabda'), and the necessity of implying truth from speech, it can be concluded that so long as an animal is not actually threatening human safety, it .may not be killed

I asked Imam al-Sadiq (A.S.) concerning the killing or hurting swallows in the Holy Mosque (Masjif al-Haram). He said: "They must not be killed, because I was in the company of Imam al-Sajjad (A.S.), pestering a swallow. The Imam told me: O my son! (Do not kill these birds and do not hurt them, since they do not harm anybody."(٣

It is worth mentioning that although in this hadith the narrator's question concerns killing and hurting the swallow in the Holy Mosque, the Imam's answer and the reason he mentioned would also apply to killing birds in places other than the Holy Mosque as well as killing any harmless creature.(۴)

Such an attitude towards the status of animate creatures has lead to the impermissibility of small aquatic creatures such as frogs, even with the pretext of medical use(۵) and

p: ۶۶

۱- Bihar al-Anwar, ۶۱/۲۴۳.

۲- Majma' al-Zawa'id wa Manba' al-Fawa'id, ۴/۴۲; Tabarani, Sulayman b. Ahmad, Al-Mu'jam al-Kabir, ed. Hamdi 'Abd al-Majid al-Salafi, ۲۵ vols. ۲nd edition, Maktibatu Ibn Taymiya, Cairo, n.d, ۱۲/۹۱; Suyuti, Jalal al-Din, Al-Jami' al-Saqir fi Ahadith al-Bashir al-Nadhir, ۲ vols. Dar al-Fikr, Beirut, ۱۴۰۱/۱۹۸۱, ۲/۷۰۲, No. ۹۵۰۲.

۳- Al-Kafi, ۶/۲۲۴, No. ۳.

۴- See: Kalantari Arsanjani, 'Ali Akbar, "Fiqh-i Shi'a wa Huquq-i Hayvanat", Majalla-yi Fiqh, IX, No. ۳۳-۳۴, p. ۲۵۶.

۵- Nasa'i, Ahmad b. Shu'ayb, Sunan al-Kubra, ed. Dr. 'Abd al-Ghaffar Sulayman al-Bundari, ۶ vols. Dar al-Kutub al-'Ilmiyya, Beirut, ۱۴۱۱/۱۹۹۱, ۳/۱۶۶: "A physician was talking to the Holy Prophet(S.A.W.) of medical properties of frogs and the Holy Prophet (S.A.W.) prohibited him of killing it".

such insects as honeybees(۱); and also killing ants is not permissible except when they hurt human beings.(۲)

Therefore, man's entrance into the wild life and the killing of the animals for whatever motivation, is not permissible as long as human safety is not threatened by them.(۳) Thus, claiming that all animals are created for man's exploitation and the man has the right to take their life (ihlak) is an incorrect claim.(۴)

۲. Protection of Animals' Physical Health

Because of his need for animals, man has tried throughout history to keep animals alive to attain his own benefit; but the superiority of man over animals has caused him .to endanger their lives whenever he wishes

These behaviors include defiling animals’ organs and cutting off, slitting, damaging, and breaking them; as in most instances, having a proprietary relationship with them .would be the lame excuse for such mistreatments

Allah considers such treatments of animals an outcome of the Satan’s interference :and explains it in its language as follows

And I will lead them astray and give them [false] hopes, and prompt them to slit the((ears of cattle).(۵

As this verse implicates, the best incentive for such behaviors is the existence of superstitious beliefs in ancient communities. For instance, in the community in which Islam emerged, as in many other communities, when the number of someone’s camels exceeded one hundred, they would blind one eye of a male camel and if they exceeded one thousand they would blind the two eyes of a camel, in order to avert (evil eye.(۶

Irrespective of the interference of

p: ۶۷

.Man la Yahdhuruhu al-Faqih, ۴/۹ -۱

.Bihar al-Anwar, ۶۱/۲۶۴, No. ۱۸ -۲

.Al-Jamiʽ li Ahkam al-Qur'an, ۱۰/۲۶۱ -۳

.Al-Mizan fi Tafsir al-Qur'an, ۱۷/۹۵ -۴

.Q. ۴:۱۱۹ -۵

Ibn Abi al-Hadid, Sharh Nahj al-Balagha, ۲۰ vols. Ayatollah Marʽashi Library, Qum, -۶ ۱۳۸۳sh/۲۰۰۲, ۱۹/۳۸۷; Islam wa ‘Aqa’id wa Ara’ Bashari, p. ۵۳۵. Although the existence of evil eye as a principle is approved by Islam and the Holy Qur’an reports its incidence towards the Holy Prophet(S.A.W.) and the scientific research proves the existence of

various energies inherent in man, too, the way to confront it is not superstitious conducts: (Indeed the faithless almost devour you with their eyes when they hear the (Reminder, and they say," He is indeed crazy.") (Q. ۶۸:۵۱

superstition, which Islam has strongly opposed, other motivations such as revenge, pleasure seeking, entertainment, and the like have also been involved in such .treatments of animals

According to Islamic teachings, any deforming of the face and body of the animals, .which is referred to as muthla (mutilation), is prohibited

Literally, muthla is derived from the root mathala, meaning "to make an example of" and "to mark". Making [someone or something] notorious takes place with various motivations such as frightening others and making an example of them, punishing severely, mutilating, venting one's anger, entertaining and amusement. Having usually been performed by cutting off body parts such as nose, ear, hand, etc., this (action was done to both human beings and living and dead animals.(۱

:Warning people against such an act, the Holy Prophet said

Whoever mutilates an animal, may the curse of Allah, the angels, and all people be (upon him.(۲

Whoever mutilates a living animal and does not repent for that Allah will mutilate him (on the Day of Resurrection.(۳

Cutting off the animals' organs is unjust and impermissible to the extent that the (religious authorities do not permit it even towards the stray and rabid dogs, either.(۴

Such treatment of animals is not only an offence to them, but it also scars the beauty of their face and ruins the conformity of their body parts. It is for this reason that the Holy Prophet (S.A.W.) has considered it impermissible to shorten a horse's forelock :and mane, and to cut its tail, explaining it as follows

Do not

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۱ - For more information see: Nazari Tavakkuli, Sa'id, Payvand-i A'dha dar Fiqh-i Islami, Islamic Research Foundation, Mashhad, ۱۳۸۱ sh/۲۰۰۲, pp. ۶۶-۶۹.

۲- Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, ۱۵/۳۸, No. ۳۹۹۷۵.

۳- Lawaqi' al-Anwar al-Qudsiyya fi Bayan al-'Uhud al-Muhammadiyya, p.۷۲۱.

۴- Kashf al-Ghumma fi Ma'rifat al-A'imma, ۱/۴۳۲.

cut the forelock, mane, and tail of a horse, because there is goodness in its forelock; the mane would make it warm; and the tail disperses the insects from it.(۱)

You mutilated it! You mutilated it! Goodness is written on the forelock of the horse until the Resurrection Day and its owners would get assistance for it. The horse's mane is [represents] its dignity, its forelock is its beauty, and its tail is its strength.(۲)

With these explanations, there remains no doubt that cutting off the tusks of an elephant, the antlers of an elk and a wild goat, the tusks of a walrus, and the feathers of a peacock, and similar mistreatments would not be permissible.

۳. Protection of Animals' Sexual Health

The animals' sexual functions, like their other functions, are of concern to Islam, which, has devised protective rules and commanded people to observe them.

۳.۱. Castration (Ikhsa'): Castration is among the most common treatments that man has practiced on animals throughout history. Despite the underlying motivation, this action is legally examinable from two perspectives: the torments and pain that the animal suffers during this action and its deprivation of the right to procreate in its lifetime.

Appealing to the principle of proprietorship, some jurists claim that since human beings are the proprietors of animals and the proprietors can exploit their property in whatever way they wish (the proprietor has authority over his/her property), they can castrate animals to suppress their sexual excitement or to fatten them (intending to make profit).(۳)

In contrast, jurists like Abu al-Salah al-Halabi, Ibn Barraj,

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۱- Makarim al-Akhlaq, p. ۱۷۴.

۲- Al-Nawadir, p. ۱۷۴.

۳- Fiqh al-Sunna, ۳/۵۱۰; Al-Sara'ir al-Hawi li Tahrir al-Fatawi, ۲/۲۱۵; Muntaha al-Matlab, ۲/۱۰۲۴.

and Shawkani consider such an action as unlawful, because the usefulness of an action would become a permit for performing it when a legal barrier would not prohibit us from such an action. However, in our premise, in addition to the prohibition of maltreating animals, the sayings of the Holy Prophet (S.A.W.) and the infallible Imams (A.S.) concerning the impermissibility of this action would suffice in proving its prohibition.(۱)

The Holy Prophet (S.A.W.) prohibited us from castrating the animals(۲), saying, "Castration is not permitted in Islam."(۳) Similarly, he deemed castration of animals as evil (detestable), believing that we should not destroy the power of God's creatures,(۴) as the growth and development is in procreation.(۵) He told a man who had castrated his horse at the pretext of being stubborn, "Woe on you! You have mutilated the animal's body; goodness is hanging on the forehead of horses until the Resurrection Day.(۶)

Similarly, Imam al-Sadiq (A.S.) has regarded as detestable (makruh) the castration and pitting animals against each other (tahrish).(۷)

However, if we cannot prove the prohibition of castigating animals from these traditions and conceive the word "aversion" by its literal concept, which is used in some traditions whether in its technical sense of prohibition or aversion, at least we have to accept that castration of animals is a detestable and aversive act and thus the Muslims had better avoid it.(۸)

۲.۳. Interbreeding Animals: Interbreeding animals is among the controversial issues in

animals' law. Is man justified to provide for the interbreeding of animals of different

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۱- Mukhtalaf al-Shi'a, ۵/۱۴; Nayl al-Awtar min Hadith Sayyid al-Akhyar, ۸/۲۵۰.

۲- Nayl al-Awtar min Hadith Sayyid al-Akhyar, ۸/۲۴۹.

۳- Al-Sunan al-Kubra, ۱۰/۲۴; Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, ۸ ۲۸۷, No. ۹۴۶۳ (Quoted from the Commander of the Faithful Imam 'Ali – A.S.).

۴- Al-Sunan al-Kubra, ۱۰/۲۴.

۵- Ibid.

۶- Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, ۸ ۲۸۷; Bihar al-Anwar, ۶۱/۲۲۴.

۷- Al-Mahasin, ۲/۶۳۴.

۸- Kashshaf al-Qina', ۵/۵۸۱; Wasa'il al-Shi'a ila Tahsil Masa'il al-Shari'a, ۸/۳۸۲, No. ۲ and ۶.

species and thus produce animals of middle race?

The research conducted indicates that interbreeding animals of different species (an animal born of two different animals) has been discussed by Muslim jurists in terms of purity and impurity (taharat and najasat) and using their meat and other products (akl and shurb).

Some traditions related from the Holy Prophet (S.A.W.) concerning the interbreeding of a donkey and a horse indicate that His Holiness has regarded this practice as inadvisable and warned the Muslims against it, viewing such treatment as a result of human ignorance.

We are a household to whom (giving) charity (alms) is unlawful, and are commanded not to wipe the moist of our ablution (wudhu) and not to interbreed a donkey with a horse.(۱)

The Apostle of Allah (S.A.W.) was an obedient servant; he did not enjoin us (his household) but against three things: not to wipe the moist of ablution; not to accept charity; and not to interbreed a donkey with a horse.(۲)

(The Apostle of Allah (S.A.W.) warned against interbreeding a donkey and a horse.(٣

He was asked:] "O Apostle of Allah! Shall we interbreed a donkey with a horse?" He] (answered, "Those who do this do not know."(۴

A mule was presented to the Holy Prophet (S.A.W.) as a gift. We said, "O Apostle of Allah! Shall we interbreed our donkeys with our horses so as they produce mules like (this for us?" He replied, "Those who do this do not know."(۵

The impression of Muslim jurists about all these traditions is that the heterogeneous

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.Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, ١٣/١٨۶, No. ١۵٠۵٣ -١
.Nayl al-Awtar min Hadith Sayyid al-Akhyar, ٨/٢۵٢, No. ٣۵٣٢ -٢
.Ahmad b. Hanbal, Musnad-i Ahmad, ۶ vols. Dar Sadir, Beirut, n.d, ١/٢٣۴-٢٣۵ -٣
Kufi, Ibn Abi Shayba, Al-Musannaf fi al-Ahadith wa al-Athar, ed. Sa'id Muhammad -۴ .al-Liham, ٨ vols. Dar al-Fikr, Qum, ١۴٠٩/١٩٨٨, ٧/٧٣۵
.Nayl al-Awtar min Hadith Sayyid al-Akhyar, ٨/٢۵٢, No. ٣۵٣٢ -۵

interbreeding of donkeys and horses, although indecent and inadvisable, is not regarded an unlawful (haram) act, because the purpose of such a ruling is to prevent the reduction of horse stock and to encourage its procreation. This practice has been prevalent in the time of the Holy Prophet (S.A.W.) and His Holiness (S.A.W.) has not expressed any strong opposition against it.(١) In some ahadith, this has been regarded as permissible(٢) and in case of doubt in its permissibility and impermissibility, the practical principle of exemption (bara'a) denotes its (permissibility.(٣

Despite the unlawfulness or repugnance of heterogeneous interbreeding, the subject matter of the above traditions merely concern donkeys and horses; however, the question remains to be answered whether we can go beyond these traditions and seek to examine the issue of genetic engineering in Islamic law. Can the undesirability of interbreeding donkeys and horses be an indication that from the Islamic point of

view any manipulation in the genetic structure of animals leading to the appearance ?of middle animals cloned is not appropriate

Preventing Cruelty and Maltreatment to Animals .۴

Transgressing animals' rights is among the acts, which all revealed religions have been unanimous on its prohibition.(۴) However, sometimes we encounter in every community unjust traditional practices in which the major pivot is cruelty and maltreatment of animals. Among such practices, which can also be traced in different forms in other communities, are the two superstitions of habs al-balaya (confinement of misfortunes) and dharb al-thawr (beating the bull), prevalent all over Arabian .(Peninsula (before the advent of Islam

When a person

Al-Majmuʿ fi Sharh al-Muhadhdhab, ۶/۱۷۸; Ibn Najim al-Misri, Zayn al-Din b. - ۱ Ibrahim, Al-Bahr al-Ra'iq Sharh Kanz al-Daqa'iq, ed. Zakaria Umayrat, ۹ vols. Dar al-Kutub al-'Ilmiyya, Beirut, ۱۴۱۸/۱۹۹۷, ۸/۳۷۷; 'Azimabadi, Muhammad Shams al-Haqq, 'Awn al-Ma'bud Sharh Sunan Abi Dawud, ۱۴ vols. ۲nd edition, Dar al-Kutub al-'Ilmiyya, ۱۴۱۵/۱۹۹۵, ۷/۱۶۷, No ۱۴۰; Hilli, Yahya b. Saʿid, Al-Jamiʿ li al-Shara'iʿ, Sayyid al-Shuhada Publication, Qum. ۱۴۰۵/۱۹۸۵, p. ۲۹۵; Sharh al-Azhar, ۳/۳۳; Al-Mubarakfuri, Muhammad 'Abd al-Rahman, Tuhfat al-Ahudhi bi Sharh Jami' al-Tirmidhi, Dar al-Kutub al-'Ilmiyya, Beirut, ۱۴۱۰/۱۹۸۹, ۵/۲۹۸; Al-Azdi, Ahmad b. Muhammad, Sharh-i Ma'ani al-Athar, ed. .Muhammad al-Najjar, ۴ vols. ۳rd edition, Dar al-Kutub al-'Ilmiyya, ۱۴۱۶/۱۹۹۶, ۳/۲۷۱

.Tahdhib al-Ahkam fi Sharh al-Muqniʿa, ۶/۳۸۴, No. ۱۱۳۷ -۲

.Tadhkirat al-Fuqaha', ۱۶/۱۱ -۳

.Tadhkirat al-Fuqaha', ۱/۵۸۱ -۴

died (during the Jahiliyya period), they would keep his camel in a ditch dug near his grave without giving it any water and fodder until it would die. This camel was called baliyya (misfortune) and this practice was called habs al-balaya, the purpose of which (was that the dead person might not become pedestrian on the Resurrection Day!(۱

It was also customary (during the Jahiliyya period) that when the cattle are moving toward a water pond to drink, first the bulls and then the cows drink water. Now, when the cow would not drink water, it was believed that the demons living in between the bull's horns is preventing the cow from drinking; thus, they would beat the bull to the extent that the cow would start drinking.(۲)

One of the earliest measures taken by Islam was to fight against such superstitions, which were partially or widely prevalent in Arabian Peninsula (during that period). The Holy Prophet (S.A.W.) frequently prohibited his companions from such superstitious acts.

Do not oppress (torment) the creatures of God.(۳)

The Holy Prophet (S.A.W.) prohibited from oppressing (tormenting) the creatures of God.(۴)

From the point of view of religious authorities, a Muslim is not permitted to maltreat animals even if this should be done by snatching a leaf from an ant's mouth:

The Apostle of Allah (S.A.W.) prohibited snatching and eating what an ant is holding in its mouth.(۵)

Similarly, the Commander of the Faithful Imam 'Ali (A.S.) clearly declared that if he were offered the whole universe to grab a barley husk

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۱- Islam wa 'Aqa'id wa Ara' Bashari, p. ۵۰۹; Rasa'il al-Sharif al-Murtadha, ۳/۲۲۶; Sharh Nahj al-Balagha, ۱۹/۳۸۸-۳۹۰; Baghdadi, Muhammad b. Habib, Al-Muhabbar, manuscript, p. ۳۲۳-۳۲۴.

۲- Islam wa 'Aqa'id wa Ara' Bashari, p. ۵۲۳; Sharh Nahj al-Balagha, ۱۹/۳۸۴.

۳- Al-Salihi al-Shami, Muhammad b. Yusuf, Subul al-Huda wa al-Rishad fi Sirat Khayr al-'Ibad, ed. 'Adil Ahmad 'Abd al-Mawjud, ۱۲ vols. Dar al-Kutub al-'Ilmiyya, Beirut, ۱۴۱۴/۱۹۹۳, ۶/۱۵۷.

Al-Zila'i, 'Abd Allah b. Yusuf b. Muhammad, Nasb al-Rayat al-Ahadith al-Hidaya, ed. -۴ Muhammad 'Awama, ۴ vols. Mu'assisat al-Rayyan Li al-Taba'a wa al-Nashr, Beirut, .۱۴۱۸/۱۹۹۷, vol. ۳/۵۷۳

.Al-Kafi, ۵/۳۰۷, No. ۱۱ -۵

.from an ant's mouth in return, he would not do it

By Allah, if they grant me all the heavens and the whole world and ask me in return to (disobey God by grabbing a barley husk from an ant's mouth, I would not do that.(۱

Commenting on the aya, (Allah will inflict retribution on him(۲)), Imam al-Sadiq (A.S.) pointed out a man who terrified a fox by bringing a fire close to its face so much as the fox wetted itself out of panic, and the Almighty God sent a snake to him at night so as he got himself wet in an intense panic.(۳) Similarly, His Holiness (A.S.) tells the story of (a man who because of throwing stones at pigeons was hit by a thunderbolt.(۴

Accordingly, not only maltreating and oppressing animals is regarded as impermissible, but also keeping silent before indecent and pervasive treatment of animals is not permissible either and one should prevent others from it; because, otherwise, one's acts of devotion would be devoid of any value and will ensue Divine .punishment

There was an old pious person among the Children of Israel. One day, while performing prayer, he noticed two little boys who were holding a rooster and plucking its feathers. The old man kept on performing his prayer, not preventing the children from that. God ordered the earth to swallow this servant of His and the earth (swallowed him.(۵

The issue of maltreating and abusing animals in Islamic jurisprudence has been studied by Muslim legal experts who

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.Nahj al-Balagha, ۲/۲۱۸ -۱

.Q. ۵:۵۹ -۲

.Al-Kafi, ۴/۳۷۹, No. ۶ -۳

.Ilal al-Shara'i', ۲/۴۶۲, No, ۶ -۴

Tusi, Muhammad b. Hasan, Al-Amali, Dar al-Thiqafa, Qum, ۱۴۱۴/۱۹۹۳, p. ۶۶۹-۶۷۰, No. -۵ .۱۴۰۷

have in different cases, which will be explained later on, regarded such treatments of animals as unlawful (haram).(۱)

Semantics: Before legal examination of this issue, it is to be noted that in legal sources different terms such as ilam, ta'dhib, and idhrar have been used to describe man's .indecent treatment of animals

Structurally, ilam is infinitive and from the root word alama, which is used in Arabic as meaning severe pain (waj').(۲) Similarly, Ta'dhib is structurally an infinitive and from .the root word 'adhaba

There are three possibilities in the meaning of this root word (i.e. alama): ۱. prohibition, ۲. continuity, ۳. beating (dharb).(۳) So also for 'adhab different definitions are proposed: pain (alam), loss (madharr),(۴) pain along with hardship,(۵) pain along with degradation,(۶) continuous and unremitting pain (istimrar al-alam).(۷)

A careful examination of these definitions would imply that pain (alam) has varying degrees (is gradational), which, depending on its intensity, continuity, or discontinuity, can be named 'adhab (chastisement).(۸) Therefore, it can be concluded that every 'adhab includes pain (alam), but every pain is not always 'adhab.(۹)

On this basis, we can regard ilam as equivalent to maltreatment and ta'dhib as torture. However, since ilam is conceptually more widespread than ta'dhib, as it encompass both torture and suffering extra pain and undergoing tension and pressure in life, instead of using any of the words here we use the word maltreatment (azar wa aziyat) so that it may designate both concepts. However, in some cases we would mention the Arabic equivalent in parentheses for accuracy in

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.Faydh al-Qadir Sharh Jami‘ al-Saghir min Ahadith al-Bashir al-Nadhir, ۳/۶۹۸ -۱

.Ibid, ۳/۴۳۵ -۲

.See: Ibid, ۱/۳۲۵; Al-Tibyan, ۱/۶۶; Majma‘ al-Bahrayn, ۳/۱۴۱ -۳

Al-Rasa’il al-‘Ashr, p. ۳۰۷; Al-Busti al-Umawi, Abi al-Hasan ‘Ali b. Ahmad, Tanzih al- -۴ Anbiya’ ‘Amma Nasaba Ilayhim Hathalat al-Aghbiya, ed. Dr. Muhammad Ridhwan al-Daya, Dar al-Fikr al-Ma‘asir, Beirut, ۱۹۹۰, p. ۱۷۳.

.Fath al-Bari Sharh Sahih al-Bukhari, ۳/۴۹۶ -۵

.Faydh al-Qadir Sharh Jami‘ al-Saghir min Ahadith al-Bashir al-Nadhir, ۱/۳۲۵ -۶

Al-Tibyan fi Tafsir al-Qur'an, ۱/۶۶, ۲/۵۲, ۴/۴۳۵, ۵/۳۸۹-۳۹۰, ۸/۳۰۶, ۹/۳۲۷; Majma' al-Bayan -۷ fi Tafsir al-Qur’an, ۵/۳۲۶; Zad al-Masir fi 'Ilm al-Tafsir, ۱/۲۲.

.Hawashi al-Shirvani, ۴/۶۴ -۸

Mu'jam al-Furuq al-Lughawiyya, p.۸۸, No. ۳۵۰ and ۳۵۴, No. ۱۴۲۶-۱۴۲۷; Al-Tibyan fi -۹ Tafsir al-Qur'an, ۲/۵۲; Majma' al-Bayan fi Tafsir al-Qur’an, ۱/۴۴۹.

.phrasing

Branding Animals: Among what has been much practiced by human beings for a .۱.۴ long time is branding animals (wasm or kayy).

:Branding animals has been normally practiced for two purposes

First, treatment referred to as kayy, on the basis of which certain superstitions have also crept in. For instance, whenever a camel developed a disease called ‘urr (mange), namely, its lips or inside its mouth would blister, they would brand a healthy camel to cure it [the diseased one].(۱)

Branding the Face: The Holy Prophet (S.A.W.) has frequently prohibited Muslims .۱.۱.۴ from such acts(۲) and when he saw a donkey whose face was branded, he cursed (damned) the perpetrator(۳) and warned one of his companions that the perpetrator of such an act will be punished in the same way on the Resurrection Day.(۴)

Despite causing maltreatment of the animal, branding the face would sustain serious

damage to the face and ruin its beauty. Thus, in a general command, the Holy Prophet (S.A.W.) has bewared Muslims of doing anything that may damage the animals' (beauty (la taqbahu al-wujuh).(۵

Given the prohibition and cursing by the Holy Prophet (S.A.W.) as well as the consensus (ijma') of Muslim jurisprudents, branding the face of animals is an unlawful (act, because it causes cruelty (ta'dhib) to animals and ruins their beauty.(۶

Branding other Parts of Animals' Body: The Holy Prophet (S.A.W.) and the . ۲.۱.۲ infallible Imams (A.S.) have asserted that except for the face, other parts of the animals' body can be branded;(۷) among which, the ears and buttocks are

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.Islam wa 'Aqa'id wa Ara' Bashari, p. ۵۲۴; Sharh Nahj al-Balagha, ۱۹/۳۸۶ -۱

Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, ۹/۶۸, No. ۲۴۹۸۶/۲۴۹۸۷ and ۹/۶۶, No. ۲۴۹۷۹; -۲ Al-Tirmidhi, Muhammad b. 'Isa, Sunan al-Tirmidhi, ed. 'Abd al-Wahhab 'Abd al-Latif, ۴ vols. Dar al-Fikr, Beirut, ۱۴۰۳/۱۹۸۲, ۳/۱۲۶, No. ۱۷۶۲; Wasa'il al-Shi'a ila Tahsil Masa'il al-.Shari'a, ۸/۳۵۳, No ۵

Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, ۹/۶۸, No. ۲۴۹۸۹; Nawawi, Yahya b. - ۳ Sharaf, Riyadh al-Salihin min Hadith Sayyid al-Mursalin, ۲nd edition. Dar al-Fikr, .Damascus, ۱۴۱۱/۱۹۹۱, p. ۶۳۴, No. ۱۶۰۸; Sunan Abi Dawud, ۱/۵۷۷, No. ۲۵۶۴

.Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, ۹/۶۸, No. ۲۴۹۸۸ -۴

Wasa'il al-Shi'a ila Tahsil Masa'il al-Shari'a, ۸/۳۵۳, No. ۷. There are two implications -۵ as to the meaning of the statement la taqbahu al-wujuh: ۱. Avoiding anything that would make the face of an animal ugly. ۲. Avoiding abusing an animal; see: Bihar al-.Anwar, ۶۱/۲۱۲

Nayl al-Awtar min Hadith Sayyid al-Akhyar, ۸/۲۴۹; Sayyid Sabiq, Fiqh al-Sunna, ۳- -۶ vols. Dar al-Kutub al-'Arabiyya, Berut, n.d, ۳/۵۱۰; Sahih Muslim bi Sharh al-Nawawi, .۱۴/۹۷

.Wasa'il al-Shi'a ila Tahsil Masa'il al-Shari'a, ۸/۳۵۵-۳۵۶, No. ۱ and ۴-۶ -۷

(considered as the most suitable for this purpose.(۱

Except Abu Hanifa, all other Muslim jurists consider branding other parts of animal's body for the purpose of their recognition and separation as permissible and, in some cases, even as recommended (mustahab), with respect to the sayings of the religious .authorities

Abu Hanifa believes that since branding animals causes their maltreatment and our Holy Prophet (S.A.W.) has bewared us of any maltreatment and abusing of animals, it is an indecent (detested = makruh) act. In contrast, other legal experts maintain that since this is performed for a rational purpose and the Holy Prophet (S.A.W.) has approved it toward animals, it can be considered as an exception to the prohibition of (maltreating and abusing animals and judge it as permissible.(۲

Hamstringing Animals ('Aqr)(۳): According to our findings, hamstringing animals . ۲.۴ :has been practiced for two different purposes in pre-Islamic Arabia

In the Battlefield: In the past, when some animals such as horses were . ۱.۲.۴ frequently used in battles, the belligerent party would cut off the four legs of their own horses or those of their enemy's ('aqr) so that the enemy would not be able to use them to their own benefit or by which the soldiers could not flee the battle scene; .and also, in order to cripple the enemy forces

The Holy Prophet (S.A.W.) allowed his troops to kill (slaughter) their quadrupeds whenever they become defiant in the enemy's land and stop from moving on, but .they are not permitted to cut off their legs

Whenever a

Wasa'il al-Shi'a ila Tahsil Masa'il al-Shari'a, ۸/۳۵۵, No. ۲; Nayl al-Awtar min Hadith -۱ Sayyid al-Akhyar, ۸/۲۴۹; Riyadh al-Salihin min Hadith Sayyid al-Mursalin, p. ۶۳۴, No. .۱۶۰۷; Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, ۹/۶۸, No. ۲۴۹۸۶

Al-Majmu' fi Sharh al-Muhadhdhab, ۶/۱۷۷; Al-Jami' li Ahkam al-Qur'an, ۵/۳۹۱. - ۲ Mawahib al-Jalil bi Sharh Mukhtasar Khalil, ۸/۴۶۵; Fath al-Bari Sharh Sahih al-Bukhari,

۳/۲۹۰; Kashshaf al-Qina‘, ۵/۵۸۱; Nayl al-Awtar min Hadith Sayyid al-Akhyar, ۸/۲۵۱; Fiqh al-Sunna, ۳/۵۱۰; Sahih Muslim bi Sharh al-Nawawi, ۱۴/۹۷; Tuhfat al-Ahudhi bi Sharh Jami‘ al-Tirmidhi, ۵/۳۰۰.

۳- Aqr: hitting the legs of animal with a sword while standing on its legs. ‘Awn al-‘Ma‘bud Sharh Sunan Abi Dawud, ۴/۲۷۷.

beast of yours becomes defiant– that is, it desists from moving in battlefield in the way of Allah – slaughter it but do not hamstring it.”(۱)

Muslim jurists maintain that the Holy Prophet’s (S.A.W.) statement concerns the time when such an action is possible; but if the battle is so fierce that it would be impossible to kill the animal in a legal way (i.e., to slaughter it) and there is fear of the enemy’s opportunistic exploitation of this event, then one can hamstring his animal.

Therefore, although in normal conditions maltreatment and abusing of animals is not permissible, special circumstances of war allows man to do so;(۲) just as when Ja‘far b. Abu Talib, the commander of the Muslim army in battle of Mu‘ta (against the Byzantine) did so.(۳)

۴.۲.۲. On the Tomb of a Deceased Person: The sunna of ‘aqr (hamstringing) is among the superstitious practices of pre-Islamic Arabs. According to this sunna, when a person passed away, a camel (sheep or cow(۴)) would have been hamstringed at his or her grave, its blood sprinkled over the grave, and its carcass was left around to be eaten by carnivorous animals.

Different motivations have been mentioned for this superstictious practice, such as compensating the hospitality during his/her lifetime,(۵) showing the deep grief of the bereavement, and sacrificing one’s best properties for that.(۶)

The Holy Prophet (S.A.W.) forthrightly outlawed this practice by stating, la ‘aqra fi al-Islam (there is no hamstringing in Islam), and said hamstringing is outlawed in Islam.

۴.۳. Using Animals as Targets (Sabr):

.Al-Mahasin, ۲/۶۳۴, No, ۱۲۶ -۱

Jami' al-Maqasid fi Sharh al-Qawa'id, ۳/۳۸۶-۳۸۷; Jawahir al-Kalam fi Sharh Shara'i' -۲ .al-Islam, ۲۱/۸۲-۸۵

.Al-Mahasin, ۲/۶۳۴, No. ۱۲۷ -۳

.Sunan Abi Dawud, ۲/۸۴, No. ۳۲۲۲ -۴

Awn al-Ma'bud Sharh Sunan Abi Dawud, ۹/۳۰-۳۱; Faydh al-Qadir Sharh Jami' al- -۵ Saghir min Ahadith al-Bashir al-Nadhir, ۶/۵۶۲-۵۶۳, No. ۱۹۹۰۹; Al-Nihaya fi Gharib al-.Hadith, ۳/۲۷۱

.Islam wa 'Aqa'id wa Ara' Bashari, p. ۵۱۰-۵۱۱ -۶

Archery is among the athletics, learning and competition matches of which is highly recommended in Islam; however, if this sport brings about maltreatment and abusing .of animals, it is not only undesirable but unlawful, as well

Among the practices opposed to by Islam is sabr al-baha'im (taking aim at animals). What is meant by this is to tie up an animal's legs and let it die gradually and painfully (by taking aim and shooting at it.(۱

The Holy Prophet (S.A.W.) has prohibited Muslims from such a way of killing animals and cursed its perpetrator. Having taken for granted the existence of soul for the animals, it is stressed in some traditions that the animal possessing soul should not be .killed this way

The Apostle of Allah (S.A.W.) prohibited targeting beasts; he prohibited killing any animal by way of aiming at it while its legs are tied up. The Apostle of Allah (S.A.W.) prohibited al-mujaththama (killing an animal lying in a squatted position), which Abu Muhammad further explained as: al-mujaththamata al-masbura (squatted while its legs are tied up). Do not take the life of any animal with spirit by taking aim at it; the Apostle of Allah (S.A.W.) prohibited taking the soul of an animal by taking aim at it. He (cursed the one who takes the soul of a tied up animal by taking aim at.(۲

The Holy Prophet's prohibiting and cursing the perpetrator of such an act indicates the unlawfulness of this act in Islam; it is besides the principle that regards the

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.Sunan Abi Dawud, ۲/۸۴, No. ۳۲۲۲; al-Jami' al Saghir, ۲/۷۵۰, No. ۹۹۰۹ -۱
See: Al-Darimi, 'Abd Allah b. Bahram, Sunan al-Darimi, ۲ vols. Matba'at al-I'tidal, -۲ n.d., ۲/۸۳; Qazvini, Muhammad b. Yazid, Sunan-i Ibn Majja, ed. Muhammad Fu'ad 'Abd al-Baqi, ۲ vols. Dar al-Fikr, Beirut, n.d, ۲/۱۰۶۳, No. ۳۱۸۶; Bayhaqqi, Al-Sunan al-Kubra, .۱۰/۲۴; Sahih ibn Habban, ۱۲/۴۲۳, No. ۵۶۰۷ and ۴۲۵, No. ۵۶۰۸

(maltreatment and hurting (ta'dhib) of animals as unlawful.(۱

Confining Animals: As it will be explained in the following lines, man has different .۴.۴ duties towards animals, the most important of which is to try to preserve their life, .and it may best be achieved simply by supplying their water and food

Confining animals is among the indecent conducts towards animals. In this procedure, the animal is detained in a place without water and food so that it may die gradually out of hunger and thirst. According to the Muslim jurists, such a treatment of animals (is impermissible and unlawful (haram).(۲

In his spiritual ascension to the Unseen (mi'raj), the Holy Prophet (S.A.W.) talks about his meeting with a woman, who, due to her mistreatment and abusing of a cat, had .been punished in the Hell

The night I ascended to the mi'raj, I saw a woman in fire. I asked for the reason, it was said, "she had tied up a cat without giving it water and food and would not let it go (to eat insects of land until it died. That was why God punished her."(۳

Crucifying Animals (Salb): Some jurists believe that crucifying animals before killing .۵.۴ them is not permissible, because it would torment them and is incompatible with the Islamic creed enjoining tolerance with animals (practicing benevolence towards (animals when slaughtering them).(۴

Burning Animals (Ihtiraq): According to the Islamic law, burning animals even .۶.۴ (though they cause harm to human beings is impermissible and unlawful (haram).(۵

Once on a journey, the Holy

.Nayl al-Awtar min Hadith Sayyid al-Akhyar, ۸/۲۴۹-۲۵۰ -۱

Kashshaf al-Qina', ۵/۵۸۲; Sistani, Sayyid 'Ali, Minhaj al-Salihin, ۳ vols. Maktibat al- -۲ .Ayatullah al-Sistani, Qum, ۱۴۱۶/۱۹۹۵, ۳/۱۳۶, No. ۴۶۰

.Al-Majmu' fi Sharh al-Muhadhdhab, ۱۸/۳۱۹ -۳

.Mughni al-Muhtaj ila Ma'rifat Ma'ani Alfaz al-Minhaj, ۴/۱۸۲ -۴

Bihar al-Anwar, ۶۱/۲۴۳-۲۴۴; 'Awn al-Ma'bud Sharh Sunan Abi Dawud, ۱۴/۱۱۹; Fath al- -۵ Bari Sharh Sahih al-Bukhari, ۶/۲۵۵; Nasa'i, Al-Sunan al-Kubra, ۵/۱۸۳-۱۸۴, No. ۸۶۱۵; Sharh .al-Azhar, ۴/۵۴۱

Prophet (S.A.W.) found out that some of his companions had set an ant hole on fire, he reproached them and said, "Punishing with fire does behoove no one except the (Creator of fire."(۱) "It does not behoove man to punish a creature like God does."(۲)

Accordingly, a question is raised in legal sources as to whether the living small fish can .be put in boiling oil or fire to cook them for eating

This question is examined in two aspects: ۱. maltreatment of the animals, ۲. eating .these animals without observing the hunting conditions

Apart from the second aspect, which concerns the eating and drinking issue (at'ima wa ashriba), the first aspect has drawn the attention of the jurists, some of whom regard such treatment as unlawful and impermissible as it inflicts torment on the fish.(۳) Some jurists, however, have only discussed the issue in respect to the second aspect and do not view eating such fish as permissible(۴) according to the tradition (narrated by 'Ammar Sabati.(۵)

Nevertheless, the Muslim jurists have only in one case given fatwa as to the legal obligation of burning animal's body, and it is when an animal whose flesh is lawful to eat is sexually exploited by a human being. In this case, the animal is first killed (slaughtered) as per the instructions given in Islamic sources, and then the flesh is

(burned and buried.(۶

:It is necessary to keep in mind two points in this judgment

First: Burning the body of the animal after killing is not for punishment

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.Riyadh al-Salihin min Hadith Sayyid al-Mursalin, p. ۶۳۵, No. ۱۶۱۰ -۱
.Nasa'i, Al-Sunan al-Kubra, ۵/۱۸۳-۱۸۴, No. ۸۶۱۴ -۲
Al-Mabsut fi Fiqh al-Imamiyya, ۶/۲۷۷; Al-Sharh al-Kabir, ۱۱/۴۵-۴۶; Hashiyat al- - ۳ .Dasuqi, ۲/۱۰۸; Kashshaf al-Qina', ۶/۲۵۸
Khu'i, Abu al-Qasim, Minhaj al-Salihin, ۲ vols. ۲۹th edition, Madinat al-'Ilm, Qum, - ۴ ۱۴۱۰/۱۹۸۹, ۲/۳۳۴, No. ۱۶۳۰; Rawhani, Rawhani, Sayyid Muhammad Husayn, Minhaj al-Salihin, ۲ vols. ۲nd edition, Maktibat al-Alfayn, Kuwait, ۱۴۱۶/۱۹۹۴, ۲/۳۶۶, No. ۱۵۲۵; Sistani, Minhaj al-Salihin, ۳/۲۷۵, No. ۸۳۷; Gulpaygani, Sayyid Muhammad Ridha, Hidayat .al-'Ibad, ۲ vols. Dar al-Qur'an, Qum, ۱۴۱۳/۱۹۹۲, ۲/۲۱۷, No. ۷۴۶; Al-Mughni, ۱۱/۴۲
.Wasa'il al-Shi'a ila Tahsil Masa'il al-Shari'a, ۱۶/۳۰۶, No. ۵-۶ -۵
.Kashf al-Litham, ۲/۴۱۰ -۶

of the animal because it has not had any role in its being sexually abused; rather, it is to show the indecency of the act, while suppressing the desire for such ignominious (act and preventing human health from hazardous problems.(۱

Second: this judgment is only applicable to the animals whose meat is for human consumption; as for other animals, just their place of living is to be changed and then (sold so that the owner of the animal is not reproached for that.(۲

Full Shearing of Animals Wool (Hair): As it is explicitly pointed out in the Holy . ۷.۴ Qur'an, some animals' wool (hair) has many uses in human clothing, which in turn can pave the way for profiteering. For this reason, the Muslim jurists have commented in this regard using the general rule concerning "the unlawfulness of maltreatment and ".abusing of animals

From the viewpoint of the Muslim legal experts, the owners of animals such as sheep are not permissible to shear off the wool close to the skin, because such an act would hurt (ta'dhib) the animal.(۳) Accordingly, some jurists do not deem as permissible the sale of the sheep's wool before it is sheared, because such a transaction is apparently the sale of the whole wool of the sheep and access to such a thing is not possible except through shearing the wool close to the skin, which would hurt the animal.(۴)

۸.۴. Slaughtering the Animal, Avoiding Maltreatment: Although consuming the animal's meat is not possible except by killing (slaughtering) it,

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۱- Al-Kafi, ۷/۲۰۴, No. ۳.

۲- Al-Kafi, ۷/۲۰۴, No. ۱.

۳- Mughni al-Muhtaj ila Ma'rifat Ma'ani Alfaz al-Minhaj, ۳/۴۶۳; Al-Iqna' fi Hall Alfaz Abi Shuja', ۲/۱۴۲; Al-Majmu' fi Sharh al-Muhadhdhab, ۱/۲۴۱ and ۲/۱۲۴.

۴- Fath al-'Aziz fi Sharh al-Wajiz, ۸/۱۵۵.

one should not torment the animal under the pretext of obtaining meat and ignore the Holy Prophet's (S.A.W.) command in doing benevolence while slaughtering them.(۱) That is because there is no conflict between the necessity of slaughtering animals and doing benevolence to them in doing so. Thus, one should avoid any action that increases persecution and maltreatment of the animal.(۲)

Verily, Allah has ordained you to do benevolence to everything; so, when you slaughter and kill animals, do it with benevolence.(۳)

In a letter to one of his judges and pointing out the necessity of instructing the butchers on how to slaughter animals properly, the Commander of the Faithful Imam 'Ali (A.S.) emphasizes that the butchers who slaughter the animals in an improper way should be reprimanded.(۴)

It is in respect to such an attitude that the Holy Qur'an, while explaining different methods of killing animals, deems only one method as permissible and does not

permit Muslims to consume the meat of the animals that are killed in such ways as :described in the following verse

You are prohibited carrion, blood, the flesh of swine, and what has been offered to(other than Allah, and the animal strangled or beaten to death, and that which dies by falling or is gored to death, and that which is mangled by a beast of prey barring that which you may purify and what is sacrificed on stone altars [to idols], and that you (should divide by raffling with arrows. All that is transgression.)(۵

Benevolence in slaughtering animals

p: ۸۳

۱- Al-Mizan fi Tafsir al-Qur'an, ۵/۱۸۶.
۲ - Kashshaf al-Ghina, ۲/۵۸۲; Faydh al-Qadir Sharh Jami' al-Saghir min Ahadith al-Bashir al-Nadhir, ۲/۲۲۷.
۳- Nisa'i, Ahmad b. Shu'ayb, Sunan al-Nisa'i, ۶ vols. Dar al-Fikr, Beirut, ۱۳۴۸/۱۹۳۰, ۷/۲۲۷.
۴- Da'a'im al-Islam, ۲/۱۷۶, No. ۶۳۴.
۵- Q. ۵:۳.

cannot be restricted to specific instances, because what is meant by benevolence is to avoid maltreatment; so, whatever that may bring us a step closer to that goal is :regarded as benevolence.(۱) We study benevolence in two stages

۴.۸.۱ While Slaughtering: In Islamic sources, the following instructions are given to .reduce tormenting of animals when being slaughtered

۴.۸.۱.۱ The Sharpness of the Slaughtering Tool: It is befitting to slaughter animals with a tool of iron (metal) and sharp like a knife(۲) so that its bluntness would not torment (the animal.(۳

When you want to slaughter an animal, do not torment it; sharpen your knife, lay the (animal down facing the qibla, and do not cut off its spinal cord before it dies.(۴

When you slaughter an animal, do it well; each one of you should sharpen your knife

(and relieve the animal.(۵

The Holy Prophet (S.A.W.) commanded that the Muslims sharpen their knives when (slaughtering animals.(۶

The sharpness of the slaughtering tool is a necessary rather than sufficient condition for the reduction of animal's pain; because, if a tool, however sharp it is, still causes pain to the animal, should not be used. For this reason, some jurists believe that using tools such as a jagged scythe for slaughtering is not permissible, because its being (jagged would add to the animal's pain (ta'dhib).(۷

Swift and Powerful: Tardiness in action also increases the process of . ۲.۱.۸.۴ slaughtering, causing further pain to the animal. Therefore, as the Holy Prophet (S.A.W.) ordered, the animal is so that it

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.Faydh al-Qadir Sharh Jami' al-Saghir min Ahadith al-Bashir al-Nadhir, ۲/۳۱۱ -۱
Da'a'im al-Islam, ۲/۱۷۶-۱۷۷, No. ۶۳۷; Masalik al-Afham ila Tanqih Shara'i' al-Islam, -۲ .۱۱/۴۹۱; Al-Majmu' fi Sharh al-Muhadhdhab, ۹/۸۰
.Kashshaf al-Qina', ۶/۲۶۶ -۳
.Da'a'im al-Islam, ۲/۱۷۶-۱۷۷, No. ۶۲۵ -۴
.Bada'i' al-Sana'i' fi Tartib al-Shara'i', ۵/۶۰ -۵
.Bihar al-Anwar, ۶۲/۳۱۶ -۶
.Kalimat al-Taqwa, ۶/۳۱۱ -۷

(can be slaughtered as swiftly and powerfully as possible to tolerate it more easily.(۱

(When one of you slaughters an animal, you should act swiftly.(۲

Avoid Cutting Lengthwise: To slaughter an animal, its four main arteries are to .۳.۱.۸.۴ be cut off so that blood can gush out quickly; emptying its blood vessels and end its worldly life in the shortest time possible. To this end, it is not permissible to use any .other method that would cause the gradual and painful death of the animal

Among such methods is the upward cutting of the animal's throat (qalb al-sikkin). In this method, the knife is inserted in the animal's throat and moved upward while rotating it, causing the animal to die slowly.(۳)

In response to the question as to how the animals should be slaughtered, Imam al-Sadiq (A.S.) warned the Muslims against the above way of slaughtering.(۴) Having regarded the sanad of this hadith as valid, some Muslim jurists have considered such an act as unlawful and eating the flesh of the animal slaughtered this way as impermissible.(۵) In contrast, another group has regarded such an act as detestable (makruh) and enjoined the Muslims to avoid it, while throwing doubt on the validity of the sanad of the hadith due to the unclearness of the identity of Qasim b. Muhammad (its narrator).(۶)

۴.۸.۲. The Interval between Slaughtering and Final Death: With the acceptance of the animals' enjoyment of an immaterial (pure) soul and the existence of a relationship between death and separation of the soul

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۱- Masalik al-Afham ila Tanqih Shara'i' al-Islam, ۱۱/۴۹۱; Kashf al-Litham, ۲/۲۵۹; Bada'i' al-Sana'i' fi Tartib al-Shara'i', ۵/۶۰.

۲- Ahmad, Musnad, ۲/۱۰۸.

۳- Ibn Fahd Hilli, Ahmad b. Muhammad, Al-Muhadhdhab al-Bari' fi Sharh al-Mukhtasar al-Nafi', ed. Mujtaba 'Iraqi, ۵ vols. Mu'assisa-yi Nashr-i Islami, Qum, ۱۴۰۷/۱۹۸۷, ۴/۱۷۳.

۴- Al-Kafi, ۶/۲۲۹, No, ۴; Tahdhib al-Ahkam fi Sharh al-Muqni'a, ۹/۵۵, No. ۲۲۷.

۵- Tusi, Muhammad b. Hasan, Al-Nihaya fi Mujarrad al-Fiqh wa al-Fatawa, Qudsi, Qum, n.d, p. ۵۸۴; 'Amili, Muhammad b. Makki, Al-Durus al-Shar'iyya fi Fiqh al-Imamiyya, ۳ vols. Mu'assisat al-Nashr al-Islamiyya, Qum, ۱۴۱۲/۱۹۹۱, ۲/۴۱۶.

۶- Masalik al-Afham ila Tanqih Shara'i' al-Islam, ۱۱/۴۹۰; Kashf al-Litham, ۲/۲۵۹; Jawahir al-Kalam fi Sharh Shara'i' al-Islam, ۳۶/۱۳۶; Shara'i' al-Islam, ۴/۷۴۰; Mukhtalaf al-Shi'a, ۸/۳۰۴; Majma' al-Fa'ida wa al-Burhan fi Sharh-i Irshad al-Adhhan, ۱۱/۱۳۱ and ۱۳۳; Naraqi, Ahmad, Mustanad al-Shi'a fi Ahkam al-Shari'a, ۱۹ vols. Al al-Bayt Institute, Mashhad, ۱۴۱۵/۱۹۹۵, ۱۵/۴۵۰; Khwansari, Sayyid Ahmad, Jami' al-Madarik fi Sharh al-

Mukhtasar al-Nafi', ed. 'Ali Akbar Ghaffari, ۷ vols, ۲nd edition, Tehran, Saduq Publication, ۱۳۹۷/۱۹۷۷, ۵/۱۲۸; Fiqh al-Sadiq fi Sharh al-Tabsira, ۲۴/۴۳; Hawashi al-Shirwavi, ۹/۳۲۳.

from the body (disjunction) and since this process is gradual, we should avoid doing anything that may inflict more pain to the animal until the soul is fully separated from the body.

۱.۲.۸.۴. Skinning: Among the legal considerations, whose basis is the avoidance of tormenting animals, is the unlawfulness of skinning the animal (salkh) before its body is cold enough after being slaughtered; i.e. before the total separation of the soul from the body.

It seems – as some Shi'i and Sunni legal experts have asserted – that the coldness of the animal's body that is accompanied by the ceasing of its throbbing motions can be regarded as a sign of the total separation of its soul from the body. Thus, the difference between qabl al-mawt (before death) and qabl al-bard (before getting cold), as stated in some legal books is not correct; "until it gets cold, i.e., until its soul departs from the body", "before it gets cold... before the soul exits the body", "unless there exists a correlation between dying and getting cold".(۱)

Some jurists believe that since the Holy Prophet (S.A.W.) and the Infallible Imams (A.S.) have regarded as unlawful eating the meat of the animal that is skinned before its body gets cold,(۲) there is a correlation between the unlawfulness of eating the meat of such an animal (akl) and the unlawfulness of doing such an act (al-salkh qabl al-bard = skinning before the animal's body gets cold).(۳) So skinning the animal before the completion of its dying process

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۱ - See: Al-Sharh al-Kabir, ۱۱/۶۱; Kashf al-Litham, ۲/۲۶۰; Fiqh al-Sadiq fi Sharh al-Tabsira, ۲۴/۴۳; Al-Durar al-Mukhtar, ۶/۶۰۷; Al-Samarqandi, 'Ala al-Din, Tuhfat al-Fuqaha', ۳ vols. ۳rd edition, Dar al-Kutub al-'Ilmiyya, Beirut, ۱۴۱۴/۱۹۹۳, ۳/۶۹.

۲ - See: Tahdhib al-Ahkam fi Sharh al-Muqni'a, ۹/۵۶, No. ۲۳۳; Da'a'im al-Islam, ۲/۱۷۵,

.No۶۳۰

For further information about the legal objections raised against the correlation -۳ between the unlawfulness of eating the animal's meat (akl) and the unlawfulness of skinning it before death (salkh qabl al-mawt) , as well as the correlation between eating the animal's meat and the unlawfulness of skinning it before getting cold (salkh qabl al-bard), see: 'Amili, Zayn al-Din b. 'Ali, Al-Rawdhat al-Bihiyya fi Sharh al-Lum'at .al-Damishqiyya, ۱۰ vols. ۲nd edition, Davari Publications, ۱۳۹۸/۱۹۷۷, ۷/۲۳۲-۲۳۳

.(is indecent, unlawful (haram), or detestable (makruh

Although according to the extant documents, the Holy Prophet (S.A.W.) has never in his life skinned a sheep before its body getting cold,(۱) it seems for proving the unlawfulness of such an act we need no specific reasons except the judgment of intellect, the impermissibility of tormenting animals, and the words of the Holy Prophet (S.A.W.) concerning the unlawfulness of torturing (ta'dhib) animals,(۲) provided that we accept that the animal preserves its ability to perceive and feels the tormenting of its body till the end of the process of the soul leaving the body (coldness (of the body).(۳

Cutting off the Spinal Cord (Paralyzing): According to the religious teachings, the .۲.۲.۸.۴ killer of the animal (zabih = slaughterer) is not allowed to cut off the animal's spinal cord (nakh') by cutting off its head or breaking off its backbone(۴) before its ultimate (death (before the body becomes cold).(۵

Irrespective of the disagreement among the jurists on the unlawfulness or repugnance of cutting off an animal's spinal cord before its body gets cold as well as (eating its meat,(۶) we should look for the reason for this ruling.(۷

Since the spinal cord lies in the spinal column, breaking it off is not possible without breaking its neck; for this reason, the traditions in which cutting off the animal's spinal cord is discussed are interpreted as referring to the issue of breaking the neck .(raqaba) as well

So long as the animal's body does not get cold (enough), its spinal

.Al-Mabsut, ۱۱/۲۲۶ -۱

That is why the late Shahid Awwal (Muhammad b. ‘Amili) has considered as - ۲ unlawful the skinning of an animal for the torture it suffers before its body gets cold, although he deems as permissible using its meat; Masalik al-Afham, ۱۱/۴۸۳; also, see: .Kashf al-Litham, ۲/۲۶۰; Jawahir al-Kalam, ۳۶/۱۲۳-۱۲۴

.Majma' al-Fa’ida wa al-Burhan fi Sharh-i Irshad al-Adhhan, ۱۱/۱۳۶ -۳

It is to be pointed out that in some tradition sources instead of “cutting off the - ۴ spinal cord”, the phrase “breaking the back” is used; Bayhaqqi, Al-Sunan al-Kubra, ۹/۲۸۰; Al-Mu‘jam al-Kabir, ۱۲/۱۹۲; Al-Jami' al-Saqir fi Ahadith al-Bashir al-Nadhir, ۲/۶۸۹, No. ۹۳۸۹; Kanz al-Ummal fi Sunan al-Aqwal wa al-Af‘al, ۶/۲۶۶, No. ۱۵۶۳۲; Ibn al-Ja‘d al-Jawhari, ‘Ali, Musnad Ibn al-Ja‘d, ed. ‘Abd Allah b. Muhammad al-Baghawi, Dar al-.Kutub al-‘Ilmiyya, Beirut, p. ۴۹۲; Al-Mabsut fi Fiqh al-Imamiyya, ۱/۳۸۹-۳۹۰

.Majma‘ al-Bahrayn, ۴/۲۸۶ -۵

Saduq, Muhammad b. ‘Ali, Al-Muqni‘, Mu‘assisa-yi Imam Hadi, Qum, ۱۴۱۵/۱۹۹۴, p. - ۶ ۲۷۴; Saduq, Muhammad b. ‘Ali, Al-Hidaya fi al-Usul wa al-Furu‘, Mu‘assisa-yi Imam Hadi, Qum, ۱۴۱۸/۱۹۹۷, p. ۲۴۲; Al-Sara’ir al-Hawi li Tahrir al-Fatawi, ۳/۱۰۷-۱۰۸; Shara’i‘ al-Islam fi Masa’il al-Halal wa al-Haram, ۴/۷۴۰; Fadhil Abi, Hasan b. Abitalib, Kashf al-Rumuz fi Sharh al-Mukhtasar al-Nafi‘, ed. Ishtahardi, ۲ vols. Mu’assisat al-Nashr al-Islamiyya, Qum, ۱۴۱۰/۱۹۸۹, ۲/۳۵۳; Idhah al-Fawa’id fi Sharh Ishkalat al-Qawa'id, ۲/۱۳۷; ‘Amili, Muhammad b. Makki, Al-Lum‘at al-Damishqiyya, Dar al-Fikr, Qum, ۱۴۱۱/۱۹۹۰, p. ۲۱۵; Al-Rawdhat al-Bihiyya fi Sharh al-Lum‘at al-Damishqiyya, ۷/۲۳۰-۲۳۱; Majma' al-Fa’ida wa al-Burhan fi Sharh-i Irshad al-Adhhan, ۱۱/۱۲۹-۱۳۰; Mustanad al-Shi'a fi Ahkam al-Shari'a, ۱۵/۴۴۹-۴۵۰; Jawahir al-Kalam fi Sharh Shara’i' al-Islam, ۳۶/۱۳۵-۱۳۶; Jami' al-Madarik fi Sharh al-Mukhtasar al-Nafi', ۵/۱۲۸; Fiqh al-Sadiq fi Sharh al-.Tabsira, ۲۴/۴۲

It is not unlikely that cutting off the spinal cord in Islamic sources is to be regarded -۷ as equivalent to paralyzing that is used in some slaughter houses as a method for killing big domestic animals by means of electric shock; see: “Huquq-i Haywanat dar .Fiqh-i Islami”, Faslnama-yi Fiqh-i Ahl-i Bayt, XII, No. ۴۸, p. ۱۸۹

(cord should not be cut off and its neck should not be broken.(۱

(After slaughtering, the spinal cord is not cut off and the neck bone is not broken.(۲

He was asked about the person who cuts off the neck of an animal before it dies, and (he replied, "Although it is an evil act, its meat can be eaten."(۳

Cutting off the spinal cord and breaking the neck of an animal in the early stages of its :killing (dhibh) denotes two points

;The Slaughterer's Haste .۱

O butchers! Do not break the animal's neck bone and do not hasten its dying [process] (until the soul leaves the body by itself.(۴

(The Slaughterer's Violence.(۵ .۲

There is no doubt that this hastening and violence would torment the animal, because by the time the dying process is over, the animal's overall nervous system is active and it feels all the injuries and pains inflicted upon its body. For this reason, by cutting off the four main arteries of the animal's neck, the blood should be allowed to be completely drained from its body and only after the body's activity is totally stopped .the neck and the spinal cord can be cut off

It is in respect to this issue that the Holy Prophet (S.A.W.) and the Infallible Imams (A.S.) have regarded cutting off the spinal cord in the interval between slaughtering and death of the animal as impermissible; however, they have permitted it after its .(death, i.e. after the complete separation of the soul from the body (idhhaq-i nafs

The

.Man la Yahdhuruhu al-Faqih, ۳/۳۳۳, No. ۴۱۸۸ -۱

.Tahdhib al-Ahkam fi Sharh al-Muqni'a, ۹/۶۰, No. ۲۵۲ -۲

.Da'a'im al-Islam, ۲/۱۴۷۵-۱۷۶, No. ۶۳۲ -۳

Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, ۱۶/۱۳۴, No. ۱۹۳۸۲; also ess: Al- - ۴
.Majmu' fi Sharh al-Muhadhdhab, ۹/۸۵

The late Shahid maintains that what is meant by not cutting off the spinal cord, is to -۵
prohibit using violence in killing the animal; see: Mustadrak al-Wasa'il wa Mustanbat
.al-Masa'il, ۱۶/۱۳۴, No. ۱۹۳۸۳

animal's spinal cord is not to be cut off until it dies; so, when it dies, then cut off its (spinal cord.(۱

(Do not cut off its spinal cord until it is quite death.(۲

Do not cut off its spinal cord, nor cut off its head, nor tear apart its meat until its soul is (separated from the body.(۳

Therefore, cutting off the animal's spinal cord and breaking its neck intentionally before its death process is over is an indecent act since it causes unreasonable (intensification of its pain.(۴

The Exalted Allah has obliged you to do good to all things; then, when you slaughter, (do it with benevolence.(۵

Cutting the Body (Flesh) into Pieces: If we accept that there is an interval . ۳.۲.۸.۴ between slaughtering the animal and its final death – which is referred to as the complete departure of the soul from the body – and if we regard its getting cold as a sign of dying, then we are not permitted to cut the animal's flesh into pieces before its (final death.(۶

Animals Vexing Humans: So far, we have pointed out some instances in which Islam did not allow human beings to hurt and abuse animals in different ways and under any pretext; however, the question remains to be answered as to if animals prevent ?humans from utilizing them by vexing them, what can humans do

Obviously, when we talk about rights it concerns a mutual relation. Therefore, as much as man is obliged to observe the animals' rights, his own rights in

.Al-Kafi, ۶/۲۲۹, No. ۶ -۱
.Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, ۱۶/۱۳۴, No. ۱۹۳۸۱ -۲
.Al-Mudawwanat al-Kubra, ۲/۶۶ -۳
.Al-Mabsut, ۱۱/۲۲۶; Bada'i' al-Sana'i' fi Tartib al-Shara'i', ۵/۶۰; Bihar al-Anwar, ۶۲/۳۱۴ -۴
.Sunan al-Nisa'i, ۷/۲۲۷ -۵
.Al-Mabsut fi Fiqh al-Imamiyya, ۱/۳۸۹; Kashf al-Litham, ۲/۲۶۰ -۶

utilizing them are also to be observed, as we talked about it before. Thus, in order to secure his rights, man is permitted to seek procedures for protecting himself against the animals' harm, but these procedures should not cause their physical or .psychological damage

For instance, man has the right to use the honey produced by the honeybee, but he is threatened by the bees when he approaches their hives. To solve this problem, some legal sources have suggested producing smoke (tadkhin) to keep safe from the bee (stings.(۱

Avoiding Punishment of Animals .۵

Among the simplest and at the same time most widespread treatments of animals by man is beating them for various motives such as training, spurring (making it do something, e.g. go faster), and sometimes – unfortunately – taking revenge. Such treatments by man, despite its motivation, is based on accepting a kind of privilege for ?him; but is he really entitled to such treatment of animals

Before legal examination of this issue, it is to be noticed that from the viewpoint of religious authorities, such treatment of animals has not been agreeable and their .practical life story (sira) has suggested avoiding such acts

For example, Imam al-Sajjad (A.S.) went on Hajj pilgrimage with a camel forty times (without whipping his camel for even once.(۲

In response to the question as to when one can beat the animal one rides, Imam al-

Sadiq (A.S.) said, "When the animal is not moving like when it is returning to its manger."(٣) Deliberating on this question and answer, it is well

p: ٩٠

1- Kashshaf al-Qina', ٥/٨٥٢.
2- Al-Mahasin, ٢//٣٦١, No. ٩٢-٩٣.
3- Wasa'il al-Shi'a ila Tahsil Masa'il al-Shari'a, ٨/٣٥٦-٣٥٧.

understood that beating an animal is permissible only when it refuses to do its duty, for which it is created.

As we explained previously, according to the Holy Qur'an's delineation, the creation of the cattle is intended for the fulfillment of some human needs, including transportation.

(Of the cattle [some] are for burden and [some] for slaughter. Eat of what Allah has provided you and do not follow in Satan's footsteps; he is indeed your manifest enemy.)(١)

(and you are carried on them and on ships.)(٢)

(It is Allah who created the cattle for you that you may ride some of them, and some of them you eat...)(٣)

(And who created all the kinds and made for you the ships and the cattle such as you ride.)(٤)

Now, if an animal refuses to do this inherent duty, which can be signified by sluggish motion and lack of liveliness (not moving as when returning toward its manger), it should be notified; but since it is not possible for man and animal to verbally communicate for this purpose, it can be done by showing a specific conduct.(٥)

This issue can be implied from the difference between 'ithar and nifar in beating the animals and the reason stated for it:(٦)

Beat it for its rebellion (‘ithar), but do not beat it for its ill-temperedness (nifar), since the animal sees things you do not see.(۷)

Although in such cases, it is permissible to beat the animal to make it carry out its duty, it should be known, however, that the beating is

p: ۹۱

۱- Q. ۶:۱۴۲.

۲- Q. ۲۳:۲۲.

۳- Q. ۴۰:۷۹.

۴- Q. ۴۳:۱۲.

۵- Muntaha al-Matlab, ۲/۹۹۶.

۶ - See: Jaza’iri, Sayyid ʿAbd Allah, Al-Tuhfat al-Saniyya fi Sharh Nukhbat al-Muhsiniyya, manuscript, Astan Quds Razavi Library, p. ۳۴۳: Ibn Qutayba, ‘Abd Allah b. Muslim, Ta’wil Mukhtalaf al-Hadith, ed. Isma‘il al-Is‘irdi, Dar al-Kutub al-Islamiyya, Beirut, p. ۵۱.

۷- Wasa’il al-Shiʿa ila Tahsil Masa’il al-Shariʿa, ۸/۳۵۷, No. ۴. It is worth mentioning that in the tradition sources related from the Holy Prophet (S.A.W.), there is a statement contrary to this notion as follows: “Beat it for its ill-temperedness (nifar), but do not beat it for its rebellion (‘ithar).” Some believe this latter notion is correct, because the animal’s rebellion may be due to the incorrect fastening of its rein straps and the roughness of the pathway, in which the animal has no role; so, we should not beat it. However, the animal’s ill-temperedness can be calmed down by punishing it. Wasa’il al-Shiʿa ila Tahsil Masa’il al-Shariʿa, ۸/۳۵۷, No. ۲, ۳, and ۵; Ibn ‘Abidin, Muhammad Amin, Hashiyatu Radd al-Mukhtar ‘ala al-Durr al-Mukhtar, ۶ vols. Dar al-Fikr, ۶/۷۲۱; Bihar al-Anwar, ۶۱/۲۰۲; Al-Sayr al-Kabir, ۱/۵۶.

permissible when it would not be possible in no other to notify the animal of its duty. For this reason, when one of the Holy Prophet’s (S.A.W.) companions begins to beat a camel to have it stand up, the Holy Prophet (S.A.W.) tells him not to beat it and to make a sound, instead, to make the animal stand up.(۱)

Similarly, to the man who was beating his sheep to make them move, the Holy Prophet (S.A.W.) teaches that person how to make them move instead of beating .them

The Holy Prophet (S.A.W.) saw an Arab who was beating his sheep. He told his companions "Bring that man to me without frightening him." When they brought him to the Holy Prophet (S.A.W.), he said, "O Arab! Say giddyup! Instead of beating (them."(۲

.However, the religious authorities do not approve beating animals

I was going on a Hajj pilgrimage with Imam al-Sajjad (A.S.), his camel was moving very slowly. He pointed his stick toward it, but said, "Ah! If there were no retaliation ((qisas) in the world Hereafter, I would beat it," and then moved his hand back.(۳

Naturally, if beating is just for drawing the animal's attention, then we are not permitted to use the means that may inflict serious harm on it, whether it is used for (training or utilization.(۴

Beware of beating [an animal] with a wooden stick, because the Satan will accompany you and the angels will run away from you. Whoever is so harsh on his animal that it may die, he

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Usd al-Ghaba, ۲/۳۱; also, see: Ibn Abi 'Asim, Al-Ahad wa al-Mathani, ed. Basim - ۱ Faysal Ahmad al-Jawabira, ۶ vols. Dar al-Diraya li al-Taba'a wa al-Nashr wa al-Tawarikh, Riyadh, ۱۴۱۱/۱۹۹۱, ۳/۱۰۵, No, ۱۴۲۲; Majma' al-Zawa'id wa Manba' al-Fawa'id, .۵۹/۱۱

.Usd al-Ghaba, ۵/۳۳۶ -۲

.Al-Irshad fi Ma'rifat Allah 'Ala al-'Ibad, ۲/۱۴۴ -۳

Hawashi al-Shirwavi, ۹/۳۲۹; Ibn Barraj Tarablusi, Qadhi 'Abd al-'Aziz, Jawahir al- -۴ Fiqh, ed. Ibrahim Bahaduri. Mu'assisa-yi Nashr-i Islami, Qum, ۱۴۱۱/۱۹۹۰, p. ۱۳۳, No ۴۷۲; .Al-Bahr al-Ra'iq Sharh Kanz al-Daqa'iq, ۸/۲۵

(will be cast in Hell.(1)

Therefore, beating the animals for what they are not naturally committed, like beating them in circus shows, and beating them for doing what they are not capable of doing, like beating them for carrying heavy loads or gaining unusual speed in races, .is not permissible

If we look at beating animals from this perspective, we will well understand why the Holy Prophet (S.A.W.) and the Infallible Imams (A.S.) have warned the Muslims against :damaging the face of the animal(2) and explained the reason as follows

(Everything has sanctity, and the animals' sanctity is in their faces.(3)

(Do not beat the face of animals or any spirited being, as they praise Allah.(4)

Accordingly, the Muslim jurists have regarded damaging the face of the animals and beating it as unlawful or at least as aversive (makruh), because the face is more delicate than other parts of the body, the animals feel more pain thereby, and the (scar left on the face may ruin its beauty.(5)

Human Duties in Utilizing Animals

point

As it was stated before, the relation between man and animal is a bilateral one; i.e. if man is granted the right – albeit limited – to utilize animals, the animal – in turn – has rights that man is obliged to observe (as his responsibility) that in case he does not, he .will lose his right of utilization

:The Commander of the Faithful Imam 'Ali (A.S.) says in this respect

Be wary of Allah concerning His servants and His lands, because you are responsible even for the places and

1- Bihar al-Anwar, ١٠٠/١٩١, No. ٨.

2- Makarim al-Akhlaq, p. ٤٢٧; Saduq, Muhammad b. 'Ali, Al-Amali, Mu'assisat al-Bi'tha, Qum, ١٤١٧/١٩٩٦, p. ٥١٢; Wasa'il al-Shi'a ila Tahsil Masa'il al-Shari'a, ٨/٣٥٣, No. ٦.

3- Wasa'il al-Shi'a ila Tahsil Masa'il al-Shari'a, ٨/٣٥٤, No. ١٢.

4- Ibid, No. ١٣.

5- Sahih Muslim bi Sharh al-Nawawi, ١٤/٩٧; Nayl al-Awtar min Hadith Sayyid al-Akhyar, ٨/٢٤٩; Tuhfat al-Ahudhi bi Sharh Jami' al-Tirmidhi, ٥/٣٠٠; Hashiyatu radd al-Muhtar, ٦/٧٢١; Al-Tuhfat al-Saniyya fi Sharh Nukhbat al-Muhsiniyya, p. ٣٣٠.

beasts.(1)

The duty and responsibility of man towards animals can be summarized in the following proposition: It is incumbent upon the owner of the living creatures to do whatever is in their interest.(2)

The necessity of acting in the interest of the animals can be well understood from the following words of the Holy Prophet (S.A.W.):

A'isha is quoted as saying, "I went out of the house and saw the Holy Prophet (S.A.W.) was wiping his horse's back with his clothes, I said, 'May my father and mother be your ransom! Are you cleaning the back of the horse with your clothes? He said, 'Yes O 'A'isha! You do not know. Maybe My Lord has commanded this to me. Besides, I am near and the angels call me to account for keeping the horse and cleaning it.' I said, 'O Apostle of Allah! Assign me to this; let me be the one who takes care of it.' He said, 'I will not do so. My friend, Gabriel, informed me that the Exalted Allah will reward me for every single grain that I give it and erases a sin from me for every single grain that I give it. There is no Muslim taking care of a horse in the way of Allah except that he will receive reward and his sins will be erased for every grain that he gives it.(3)

In Islamic jurisprudence, provision for the needs of the living creatures is referred to as nafaqa (maintenance). Paying maintenance becomes obligatory for man

.Nahj al-Balagha, ۲/۸, sermon ۱۶۷ -۱

.Mughni al-Muhtaj ila Maʿrifat Maʿani Alfaz al-Minhaj, ۳/۴۶۴ -۲

.Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, ۴/۴۵۶, No. ۱۱۳۶۰ -۳

for three reasons: marriage, kinship, and ownership. Accordingly, in case a human being owns an animal, he is obliged to provide for various needs of his animal such as (food, clothing, dwelling, medicine, and medical treatment.(۱

Providing Foodstuffs .۱

The All-knowing and Almighty Allah has created the nature in such a way that it readily provides for the needs of all creatures for foodstuffs. Thus, viewing man and animal as equal [in their physiological needs], the Holy Qur'an stresses that Almighty .Allah undertakes to provide for their food

How many an animal there is that does not carry its own provision. Allah provides for ((it, and for you, and He is the All-hearing, the All-knowing.)(۲

Therefore, the first and the foremost duty of man as the God's vicegerent on earth is to provide food and water for the animals that he is taking care of without there being any difference between various animal species in this rule.(۳) However, once he is not capable of this undertaking, he should not take on the responsibility of keeping .animals

This responsibility is of such importance in the Islamic legal system that the jurists consider fulfilling it as necessary even if the animal is not able to use the food and water(۴) due to old age or is passing its last moments of life and thus giving it food and (water does not make any difference in sustaining its life.(۵

As it is implied from the religious sources, fulfilling this responsibility is associated with the spiritual status and divine veneration of

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.Jawahir al-Kalam fi Sharh Shara'iʿ al-Islam, ۳۱/۳۰۱ and ۳۹۴ -۱

.Q. ۲۹:۶۰ -۲

Al-Hada'iq al-Nazira fi Ahkam al-'Itrat al-Tahira, ۲۵/۱۴۲; Nihayat al-Miram fi Sharh -۳ .Mukhtasar Shara'i' al-Islam, ۱/۴۹۱; Al-Sharh al-Kabir, ۹/۱۳۰-۳۱۱

.Faydh al-Qadir Sharh al-Jami' al-Saghir, ۱/۱۶۴ -۴

.Al-Rawdhat al-Bihiyya fi Sharh al-Lum'at al-Damishqiyya, ۵/۴۸۱ -۵

(the animal.(۱

:Concerning this association, Shaykh al-Tusi wrote

Whenever you own an animal, it is incumbent upon you to provide for its food, whether its meat is eatable or not; there is also no difference between birds and non-birds, because animals are revered.(۲)

The existence of such a relation between divine veneration of animals and the necessity of providing for their food has led to the fact that providing for the animals' food needs is regarded as benevolent from the Islamic point of view that if it is for gaining divine pleasure, it will bring reward in the world Hereafter, as well.(۳)

Whoever provides for the horse's expenses for the sake of Allah is like a person who has always been open-handed for giving alms.(۴)

Whoever takes care of a horse for the sake of Allah, the feeding and giving water to it and cleaning its place will all be counted as his good deeds on the Resurrection Day.(۵)

:The benevolence of providing food for the animals will have two consequences

First: the Muslims by endowing all or part of their properties can provide for food expenses for a special kind of animals or any animal needing food as it desires.(۶)

Second: fulfilling the food needs of animals was considered a moral issue, without needing there to be an ownership relation between man and the animal so that he has to fulfill its food needs; rather, man can give food and water to the animals that he is not an owner of, too.

While passing by the sea, Jesus

۱- Bihar al-Anwar, ۶۱/۲۱۷.

۲- Al-Mabsut fi Fiqh al-Imamiyya, ۶/۴۷.

۳- Bihar al-Anwar, ۶۲/۶۵: The Apostle of Allah (S.A.W.) was asked: O Apostle of Allah! Is giving water to an animal rewarding? He answered: Yes, there is reward in quenching the thirsty liver of any creature.

۴- Man la Yahdhuruhu al-Faqih, ۲/۲۸۳, No. ۲۴۵۹; Makarim al-Akhlaq, p. ۲۶۴.

۵- Tusi, al-Amali, pp. ۳۸۳-۳۸۴. This content has been reported in various other ways, too: see for example: Da'a'im al-Islam, ۱/۳۴۴; Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, ۸/۲۵۱, No. ۹۳۷۲.

۶- Tadhkirat al-Fuqaha, ۲/۴۳۰; Ansari, Zakaria b. Muhammad, Fath al-Wahhab bi Sharh Manhaj al-Tullab, ۲ vols. Dar al-Kutub al-'Ilmiyya, Beirut, ۱۴۱۸/۱۹۹۷, ۱/۴۴۱; Mughni al-Muhtaj ila Ma'rifat Ma'ani Alfaz al-Minhaj, ۲/۳۷۹.

son of Mary threw a piece of bread that was his own meal into water. Some of his companions told him, "O Spirit of God! Why did you do so? That piece of bread was your meal." Jesus (A.S.) answered, "I did so for one of the aquatic creatures to eat it; such an act has a great reward with God."(۱)

Imam al-Sajjad (A.S.) would constantly say, "I do not cultivate to benefit; rather, I cultivate so that the poor or a bird, especially a lark, may eat from it."(۲)

The sacredness of this act would become more manifested when we know that according to the Islamic teachings man first has to provide food for the animals then proceed to supply food for himself.(۳)

Although fulfilling animals' food needs includes giving water to them too, in Islamic sources special emphasis has been placed on giving water to the living creatures and quenching their thirst, including the animals.

In this respect, Imam al-Baqir (A.S.) said:

Allah, the Blessed and the Exalted, likes the quenching of a thirsty liver. Whoever

quenches a thirsty one – whether an animal or non-animal – God will place him/her in the shade of His mercy on the Day of Resurrection.(۴)

Irrespective of the moral aspect of this act, whoever owns an animal is obliged to provide sufficient food and water for it. This duty can be performed in the following two direct and indirect ways:

In the first way, the owner or the caretaker of the animal provides the food and water for

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۱- Saduq, Muhammad b. 'Ali, Thawab al-A'mal wa 'Iqab al-A'mal, Manshurat-i Radhi, Qum, ۱۳۶۸ sh/۱۹۹۹, p. ۱۴۴.

۲- Al-Kafi, ۶/۲۲۵, No, ۲.

۳- Al-Mahasin, ۲/۳۶۱, No. ۸۸: When one of you go on a journey, wherever you stop, first give fodder and water to your animal.

۴- Al-Kafi, ۴/۵۸, No. ۶; also see: Man la Yahdhuruhu al-Faqih, ۲/۶۴, No. ۱۷۲۳.

the animal and gives it to it; in the second way, however, he provides a chance for the animal so that it can get its food and water directly from the nature.(۱)

The above can be implied from the advice that the Commander of the Faithful Imam 'Ali (A.S.) gave her daughter, Umm Kulthum, in the last night of his life:

...then he entered the house, and there were some geese in the house that my brother Husayn (A.S.) had given to me as a gift. When he sat down, the geese gathered around him, flapping their wings and making noise in front of him, which they had not done before... Then he said, "My daughter! By the right I have upon you, release them, because you are keeping what neither have tongue nor are able to talk when they are hungry and thirsty. Give them food and water, otherwise set them free to eat from the plants on the ground."(۲)

Obviously, using the indirect method, like taking the animals to the pasture, may

release man from duty (lapse of duty) only when, on the one hand, there is enough water and food in nature for the animal to use, and on the other hand, the animal’s health and safety would not be at risk. Otherwise, the owner or the caretaker has to provide for the animals’ provision directly.(۳)

Every quadruped has six rights upon its owner: ...when he dismounts it, he should first give it fodder... Whenever he passes by water, he

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۱- Rawdhat al-Talibin, ۶/۵۲۳; Al-Hada’iq al-Nazira fi Ahkam al-‘Itrat al-Tahira, ۲۵/۱۴۲.

۲- Bihar al-Anwar, ۴۲/۲۷۸.

۳- Jawahir al-Kalam fi Sharh Shara’i‛ al-Islam, ۳۱/۳۹۵-۳۹۶; Bihar al-Anwar, ۶۱/۲۱۸; Fath al-Wahhab bi Sharh Manhaj al-Tullab, ۲/۲۱۸; Al-Iqna‘ fi Hall Alfaz Abi Shuja‘, ۲/۱۴۲; Mughni al-Muhtaj ila Ma‛rifat Ma‛ani Alfaz al-Minhaj, ۳/۴۶۲.

should let it drink water.(۱)

Such a duty for man when taking care of and utilizing animals has prompted Muslim legal experts to generalize this notion to insects and proclaim that the beekeepers are also required not to collect all the honey in the hives and leave out some honey for the bees to use. Similarly, the silkworm owners are obliged to prepare and provide enough mulberry leaves for the worms to eat.(۲)

Accordingly, if the owner is unable to normally fulfill his duty, he is permitted to use other methods to carry out this task. For this reason, if the owner or the caretaker cannot provide fodder for his animal by means of paying or without paying for it, he will be permitted – in order to support the animal’s life and health – to supply food for his animal from the fodder that is at someone else’s disposal without asking permission from the owner (usurpation); and then compensate for the loss when the situation is normalized.(۳)

On the other hand, in case the owner refuses to provide fodder for his animal while he can afford it, the government or a supporting organization would force him to carry

out his duty. However, if he is not financially able to pay for it or forcing him to do so does not work out, depending on the circumstances, the expenses can be paid for from the state's public budget or the ownership of the animal transferred to a qualified person to protect its life

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.Al-Mahasin, ۲/۶۲۷, No. ۹۶ -۱
Qawa'id al-Ahkam fi Ma'rifat al-Halal wa al-Haram, ۳/۱۱۸; Idhah al-Fawa'id fi Sharh -۲ Ishkalat al-Qawa'id, ۳/۲۹۰; Kashf al-Litham, ۲/۱۱۸; Jawahir al-Kalam fi Sharh Shara'i' al-Islam, ۳۱/۳۹۷; Al-Hada'iq al-Nazira fi Ahkam al-'Itrat al-Tahira, ۲۵/۱۴۳; Mughni al-Muhtaj ila Ma'rifat Ma'ani Alfaz al-Minhaj, ۳/۴۶۳; Al-Iqna' fi Hall Alfaz Abi Shuja', ۲/۱۴۲; .Rawdhat al-Talibin, ۶/۵۲۴
Mughni al-Muhtaj ila Ma'rifat Ma'ani Alfaz al-Minhaj, ۳/۴۶۳; Rawdhat al-Talibin, - ۳ .۶/۵۲۴

(and safety.(۱

It is worth mentioning that in the legal sources three issues have been referred to for proving the necessity of providing the animal's fodder by its owner as well as for putting him under pressure in case of refusal: ۱. the status of the animal's soul ۲. avoidance of abusing the animal, and ۳. punishment in the world Hereafter in case of (not avoiding it.(۲

The Holy Prophet (S.A.W.) said, "The night I ascended to the mi'raj, I saw a woman in fire. I asked for the reason, it was said, 'she had tied up a cat without giving it water and food and would not let it go so that it would eat insects of land until it died. That (was why God punished her'."(۳

While the Apostle of Allah (S.A.W.) was performing ablution, a cat entered his house. He noticed that the cat was thirsty, he set the water container for it to drink, and then (he performed his ablution with the remainder of the water.(۴

The Apostle of Allah (S.A.W.) passed by a camel whose belly was stuck to his backbone

due to excessive thirst. He said, “Be wary of God in respect to these beasts, ride them decently, and use their meat decently.”(5)

Why are you not wary of God concerning the right of the animal whose ownership He has given to you? It complained to me that you have left it hungry and made it used to it.(6)

Where is the owner of this animal? Why do you not

۱- Shara’i‘ al-Islam, ۴/۱۰۲۷; Masalik al-Afham ila Tanqih Shara’i‘ al-Islam, ۵/۸۹; Jawahir al-Kalam fi Sharh Shara’i‘ al-Islam; ۲۷/۱۱۱; Al-Hada’iq al-Nazira fi Ahkam al-‘Itrat al-Tahira, ۲۵/۱۴۲; Nihayat al-Maram fi Sharh Mukhtasar Shara’i‘ al-Islam, ۱/۴۹۱; Bihar al-Anwar, ۶۱/۲۱۸; Al-Majmu‘ fi Sharh al-Muhadhdhab, ۱۸/۳۱۸; Rawdhat al-Talibin, ۶/۵۲۳-۵۲۴; Fath al-Wahhab bi Sharh Manhaj al-Tullab, ۲/۲۱۸; Al-Iqna‘ fi Hall Alfaz Abi Shuja‘, ۲/۱۴۴; Mughni al-Muhtaj ila Ma‘rifat Ma‘ani Alfaz al-Minhaj, ۳/۴۶۳; Kashshaf al-Qina‘, ۵/۵۸۱-۵۸۲; Al-Sharh al-Kabir, ۹/۳۱۴-۳۱۸.

۲- Fath al-Wahhab bi Sharh Manhaj al-Tullab, ۲/۲۱۸; Al-Iqna‘ fi Hall Alfaz Abi Shuja‘, ۲/۱۴۲; Mughni al-Muhtaj ila Ma‘rifat Ma‘ani Alfaz al-Minhaj, ۳/۴۶۲; Bada’i‘ al-Sana’i‘ fi Tartib al-Shara’i‘, ۴/۴۰; Al-Bahr al-Ra’iq Sharh Kanz al-Daqa’iq, ۴/۳۷۱; Al-Majmu‘ fi Sharh al-Muhadhdhab, ۱۸/۳۱۸; Bihar al-Anwar, ۶۱/۲۱۷; Tadhkirat al-Fuqaha, ۲/۲۰۳; Kashshaf al-Qina‘, ۵/۵۸۰-۵۸۱; Haskafi, ‘Ala al-Din, Al-Durr al-Mukhtar, ۸ vols. Dar al-Fikr, Beirut, ۱۴۱۵/۱۹۹۴, ۳/۷۰۱; I‘anat al-Tallibin, ۴/۱۲۰.

۳- Al-Majmu‘ fi Sharh al-Muhadhdhab, ۱۸/۳۱۹.

۴- Al-Nawadir, ۱۸۷.

۵- Ibn Khuzayma al-Salami, Muhammad b. Ishaq, Sahih ibn Khuzayma, ed. Dr. Muhammad Mustafa al-A‘zami, Al-Maktab al-Islami, ۴ vols. ۲nd edition, ۱۴۱۲/۱۹۹۱, ۴/۱۴۳.

۶- Kanz al-Ummal fi Sunan al-Aqwal wa al-Af‘al, ۹/۶۷, No. ۲۴۹۸۲.

wary God concerning its right? Either give it fodder, or let it go find food by itself.(1)

The Holy Prophet (S.A.W.) said, “There is no beast except that every morning it prays to God as follows: Grant me a good owner who relieves my hunger and thirst by food

(and water, one who does not burden beyond my endurance.(2)

With such an attitude, provision of the animal's food and water is not merely restricted to a time when there is possibility of utilizing it; rather, this duty is still to be done even when the animal is disabled.(3)

One day I was sitting with the Holy Prophet (S.A.W.), suddenly a camel slowly came over and sat down before us, starting to cry. He told me, "Woe on you! See who the owner of the camel is? It has some problem." I left the house, looking for the owner of the camel, until I found out it belonged to a man from among the Ansar. I called him to the Holy Prophet (S.A.W.). He told the man, "What is the problem with your camel?" The man asked, "What problem? By God, I do not know what its problem is. I used to carry loads and do irrigation with it. When it got disabled to irrigate, I decided yesterday to kill it and distribute the meat." The Prophet said, "Do not do that. Give it or sell it to me." The man said, "O Apostle of Allah (S.A.W.)! It is yours." The Holy Prophet (S.A.W.)

1- Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 9/67, No. 24983; also see: Majma' al-Zawa'id wa Manba' al-Fawa'id, 8/196-197.

2- Al-Mahasin, 2/626, No. 91.

3- Nayl al-Awtar min Hadith Sayyid al-Akhyar, 61/61; Mufid, Muhammad b. Nu'man, Al-Ikhtisas, ed. 'Ali Akbar Ghaffari, 2nd edition, 1414/1993, p. 294.

marked it as charity and set it free.(1)

1.1. The Quality of the Provisions: In providing the animal with food and water, care must be taken of the animal's physical well-being and spiritual status, as well. Accordingly, it is not upright (it is aversive) to give animals wine or any intoxicating (alcoholic) drinks or feed it with foods that are not permissible (lawful) for man to eat.(2)

The most important reason the Shi'a jurisprudents present for proving the aversion

(kirahat) and not unlawfulness (hurmat) of this action is the content of two traditions narrated by Abu Basir and Ghiyath b. Ibrahim(۳) as well as the fact that animals are not religiously accountable.(۴) However, like Qadhi b. Barraj and Ibn Najim Misri, we too can claim that such an action is unlawful (haram) and not permissible.(۵) Because, although animals are not religiously accountable (mukallaf), if we accept that using alcoholic drinks and unhealthy foods is as harmful to animals as they are to human beings, then man does not have the right to knowingly inflict physical damage to animals just as he does not have the right to do so to a child who is not legally accountable.(۶)

It is in this respect that for proving this theory we can rely on traditions, the content of which concerns the impermissibility of using alcoholic drinks for treatment of all people, including children and animals.(۷)

Therefore, it is not unlikely to be able to interpret the term kirahat (aversion) used in the two traditions of Ghiyath and

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۱- Lawaqi‘ al-Anwar al-Qudsiyya fi Bayan al-‘Uhud al-Muhammadiyya, p. ۳۹۵-۳۹۶; also see: Ibid, pp. ۳۹۶-۳۹۷; Bihar al-Anwar, ۶۱/۱۱۱/۱۱۲.

۲- Al-Nihaya fi Mujarrad al-Fiqh wa al-Fatawa, p. ۵۹۲; Al-Sara’ir al-Hawi li Tahrir al-Fatawi, ۳/۱۳۲; Al-Jami‘ li al-Shara’i‘, p. ۳۹۵; Al-Mabsut, ۲۴/۲۵; Al-Musannaf fi al-Ahadith wa al-Athar, ۵/۴۳۲, No. ۵; Al-Durr al-Manthur fi al-Tafsir bi al-Ma’thur, ۲/۳۲۵.

۳- Tahdhib al-Ahkam fi Sharh al-Muqni‘a, ۹/۱۱۴, No. ۴۹۷; Al-Kafi, ۶/۴۳۰, No. ۷.

۴- Mukhtalaf al-Shi‘a, ۸/۳۴۶; Masalik al-Afham ila Tanqih Shara’i‘ al-Islam, ۱۲/۱۰۹; Kashf al-Litham, ۲/۲۷۱.

۵- Al-Muhadhdhab, ۲/۴۳۳; Al-Bahr al-Ra’iq Sharh Kanz al-Daqa’iq, ۸/۴۰۴.

۶- Masalik al-Afham ila Tanqih Shara’i‘ al-Islam, ۱۲/۱۰۹; Majma‘ al-Fa’ida wa al-Burhan fi Sharh-i Irshad al-Adhhan, ۱۱/۲۸۳.

۷- Mustadrak al-Wasa’il wa Mustanbit al-Masa’il, ۱۷/۵۱.

Abu Basir by its literal meaning and not its technical sense and imply unlawfulness of

(the action from the context of those traditions.(١

The Provision Rate: Although in legal sources no specific rate and amount is . ١.٢ determined for man in providing the animal's provision, two issues need to be taken :into consideration

First: the provision supplied for the animal has to (sufficiently) fulfill its food needs, so the least amount cannot be deemed as sufficient and feed it just enough to keep it alive.(٢) Second: the amount of food the animal needs is varied depending on various conditions of time and place; so, a certain quantity of food cannot be content with at various times such as sickness, pregnancy, breastfeeding, reproduction, etc. so that moving animals from one climatic location to another would in itself cause changes in .the dietary type and amount of food they consume

It was in consideration of these two aspects that the Holy Prophet (S.A.W.) protested to the people who had overloaded a camel and reduced the amount of its food; taking (this to be the reason for its disobedience.(٣

Therefore, the animal's owner is obliged in respect to the two aspects of time and .place to provide for his animal's food needs

There is no fixed amount for their provision; rather, it is obligatory to provide for whatever the animal requires: food, water, shelter and the similar things that change (over different times and places.(۴

Providing Sanitation .٢

.The glorious religion of Islam has given great importance to the sanitation of animals

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On this basis, the claim of ascribing these two terms to their technical meanings, as -١ calimed by some jurists, does not seem to be correct. See: Jawahir al-Kalam fi Sharh .Shara'i' al-Islam, ٣۶/۴٢٠

Qawa'id al-Ahkam fi Ma'rifat al-Halal wa al-Haram, ٣/١١٨; Idhah al-Fawa'id fi Sharh -٢

.Ishkalat al-Qawa'id, ۳/۲۹۰

.Al-Khara'ij wa al-Jara'ih, ۳/۵۲۳; Basa'ir al-Darajat, p. ۳۶۸, No. ۳ -۳

.Jawahir al-Kalam fi Sharh Shara'i' al-Islam, ۳۱/۳۹۵ -۴

Hygiene recommendations of Islam concerning animals can be divided into three :general categories

Hygiene of the Body and Environment: Muslims should not only undertake to clean .۱.۲ of the animals they are taking care of but also to keep their living place (stockyard) clean so that a Muslim may be able to perform their most important devotional act, i.e. .prayer, there

:The Noble Prophet (S.A.W.) says in this respect

Clean up the keeping place of sheep and sweep the dust off the place, because the (sheep is an animal from Paradise.(۱

Clean the dust off the sheep and you can say prayers in their sleeping place, because (sheep are animals from Paradise.(۲

It is implied from examining the Islamic sources that man's duty in providing hygiene for the animals is not restricted to their individual and environmental hygiene; rather, .it includes their food hygiene, as well

Food Hygiene: Although to some people the animals' food hygiene does not seem .۲.۲ to be of serious importance, Islam has taken an interest in this issue since the very .beginning

:In this respect, the Holy Prophet (S.A.W.) says

Whoever feeds his horse with cleaned barley, God will record every grain of barley as (a good deed (hasana) for him.(۳

Water Hygiene: When water is exposed to sunshine, it absorbs sunrays and . ۲.۳ retains them in itself; thus using such water is not advisable and performing ablution .(wudhu) with it is aversive due to the damage it can inflict to the body

In some legal texts, it is asserted that if the criterion for

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۱- Al-Mahasin, ۲/۶۴۱, No. ۱۵۷; also see: Al-Kafi, ۶/۵۴۴, No ۳.

۲- Al-Mahasin, ۲/۶۴۲, No. ۱۶۰. It is worth mentioning that some believe what is meant by “cleaning off dust” in these two traditions is changing the soil of the animals’ living place and they have concluded from this that besides observing hygiene of the animals’ stockyard, the soil of the sleeping place of the animals should be changed so that they would be safe from the moist and cold; see: Huquq-i Haywan, Nazar-i Islam darbara-yi Raftar ba Haywanat, Ruznama-yi Kar-u Kargar, ۲۵.۰۱.۱۳۷۷/۱۳.۰۴.۱۹۹۸.

۳- Bihar al-Anwar, ۶۱/۱۷۷; Ahmad, Musnad, ۴/۱۰۳; Musnad al-Shammiyin, ۱/۳۱۵.

such an ordinance is its likelihood of damage to the human beings and it is assumed that this damage is the same among both man and animals, it can be decreed that quenching the thirst of the animal with such water is inadvisable and aversive (makruh).(۱)

۳. Providing Medication

The one who undertakes to take care of an animal is obliged to proceed to treat the animal when sick and fulfill for its veterinary needs. According to Muslim jurists, medication expenses of animal are among the expenses that the animal’s owners are obliged to pay for (obligatory maintenance).(۲)

۴. Providing Dwelling

Our observations of the wildlife reveal the fact that any living creature, whether aquatic or aerobic, begins to look for a suitable place for sustaining its life as soon as it attains an independent power to live, a place that may provide for its physical and spiritual health and fulfill its various needs.

Although animals in most cases are able to prepare such a desirable place for themselves, when human beings directly undertake their care, they have to positively respond to these animals’ needs and provide a suitable and befitting place;(۳)

otherwise, they have been negligent and disobeying the Almighty Allah and have committed sin.(۴)

The suitability and fittingness of this place has three features in Islamic law as follows:

First, proportionate to the status of the animal: it does not suffice to be merely a shelter and the animals cannot be kept in unsuitable and filthy places on the pretext that they do not understand and are undiscerning.(۵)

Second, proportionate

۱- Mughni al-Muhtaj ila Ma'rifat Ma'ani Alfaz al-Minhaj, ۱/۱۹.

۲- Masalik al-Afham ila Tanqih Shara'i' al-Islam, ۵/۸۸; Mu'min Sabzivari, Muhammad Baqir, Kifayat al-Ahkam, Lithography, Madrisa-yi Sadr-i Nabawi, Isfahan, n.d, p. ۱۳۲; Jawahir al-Kalam fi Sharh Shara'i' al-Islam, ۲۷/۱۰۹; Al-Hada'iq al-Nazira fi Ahkam al-'Itrat al-Tahira, ۲۱/۴۱۷; Al-Rawdhat al-Bihiyya fi Sharh al-Lum'at al-Damishqiyya, ۴/۲۴۶.

۳- Jawahir al-Kalam fi Sharh Shara'i' al-Islam, ۳۱/۳۹۵.

۴- Al-Rawdhat al-Bihiyya fi Sharh al-Lum'at al-Damishqiyya, ۵/۴۸۱-۴۸۲.

۵- Riyadh al-Masa'il fi Bayan al-Ahkam bi al-Dala'il, ۲/۱۶۸.

to the physical needs of the animal: since the animals are to be kept in conditions in which their health is not endangered, it is essential that their keeping place be such that they are secure from heat and cold.(۱)

Third, not jeopardizing human health: although this feature is not much talked about, it is to be noted that the differences in the body structure of man and animal entail various health consequences that not taking care in choosing proper living places for them would lead to pollution of human environment and sometimes illness for human beings. Therefore, it is necessary to choose a living place for the animals that may not jeopardize human physical and psychological health.(۲)

As much as the Muslims are obliged to provide suitable dwelling for the animals they take care of, they are also obliged to respect their natural dwelling, as well. That is because, as any kind of human privacy is to be respected and nobody has the right to violate it, the animals' privacy is also respectful and no living creature, neither man nor animal, has the right to violate it

Thus, a Muslim has to have a measured behavior towards the animals' environment, .not to prepare the way for its pollution or destruction

Destroying the Animals' Environment: the issue of destroying animals'. ۱.۴ environment has been discussed in Islamic sources. Besides the traditions that have warned people against destruction of the animals' environment, the jurists have (legally examined this issue, too.(۳

Polluting the Animals' Environment: disposing .۲.۴

.Fiqh al-Sadiq fi Sharh al-Tabsira, ۲۲/۳۸۴ -۱

.Kashshaf al-Qina', ۵/۵۸۱ -۲

.Bihar al-Anwar, ۶۱/۳۱۸ -۳

human waste in the animals' environment is among the indecent behaviors. The Holy Prophet (S.A.W.) has warned against urinating in the holes (juhr) where the animals live,(۱) following that, the jurists have also deemed it as indecent (aversive = (makruh).(۲

Such an ordinance may have resulted from two reasons: this act, on one hand, can put animals' life in danger, and on the other, some animals may endanger human (health.(۳

Although the term juhr in the Holy Prophet's (S.A.W.) saying and thaqb (burrow) in the words of the jurists concern the homes of animals that live in holes and burrows or in the crags of mountains, it seems the indecency of this act is not limited to a particular

.group of animals and encompasses all animals

The evidence for this claim are the traditions in which the Infallible Imams (A.S.) have prohibited people from urinating in the running and stagnant water. To explain this, they have pointed out that there are [tiny] creatures in water that would be harmed .by this; yet it may also have some harm to human beings too

(No one of you should urinate in stagnant water.(۴

The Holy Prophet (S.A.W.) prohibited anyone from urinating in running water except in (dire need and said, “Water has inhabitants.”(۵

Man should not splash his urine in the air or in running water; whoever does this and face a problem, should not blame anyone except himself, because some creatures (live in the air and water.(۶

Do not urinate in stagnant water; whoever does this and face

Sunan Abi Dawud, ۱/۱۵, No, ۲۹; Kanz al-Ummal fi Sunan al-Aqwal wa al-Af‘al, ۹/۳۶۴, -۱ .No. ۲۶۴۸۱

Shara’i‘ al-Islam fi Masa’il al-Halal wa al-Haram, ۱/۱۵; Hilli, Hasan b. Yusuf, Irshad -۲ al-Adhhan ila Ahkam al-Iman, ed. Shaykh Faris al-Hassun, ۲ vols. Nashr-i Islami Publication, Qum, ۱۴۱۰/۱۹۹۰, ۱/۲۲۲, Masalik al-Afham ila Tanqih Shara’i‘ al-Islam, ۱/۳۳; Majma' al-Fa’ida wa al-Burhan fi Sharh-i Irshad al-Adhhan, ۱/۹۴; Kifayat al-Ahkam, p. ۲; Jawahir al-Kalam fi Sharh Shara’i' al-Islam, ۲/۶۷; Ansari, Murtadha, Kitab al-Tahara, ۲ vols. Mu’assisa-yi Al-Hadi, Qum, ۱۴۱۵/۱۹۹۴, ۱/۴۸۱; Hamadani, Ridha, Misbah al-Faqih, ۵ vols. Lithography, Maktibat al-Sadr, ۱/۹۳; Ibn Hajar 'Asqalani, Ahmad b. ‘Ali, Al-Talkhis al-Habir fi Takhrij al-Rafi‘i al-Kabir, ۱۲ vols. Dar al-Fikr, ۱/۴۶۵; Hashiyatu Radd al-Muhtar, ۱/۳۷۱; Al-Mughni, ۱/۱۵۷.

Nihayat al-Ahkam fi Ma‘rifat al-Ahkam, ۱/۸۳; Muntaha al-Matlab, ۱/۴۱; Al-Musawi, -۳ Muhammad b. ‘Ali, Madarik al-Ahkam fi Shara’i‘ al-Islam, ۸ vols. Al al-Bayt Institute, Qum, ۱۴۱۰/۱۹۸۹, ۱/۱۷۹; Dhakhirat al-Mi‘ad fi Sharh al-Irshad, ۱/۲۱; Ibn Tawus, ‘Ali b.

.Musa, Falah al-Sa'il, n.p., n.d, p. ۴۸; Fiqh al-Sunna, ۱/۳۴, No. ۷

.Al-Istibsar fi Makhtalafa min al-Akhbar, ۱/۱۳, No.۵۲۵ -۴

Ibn Abi Jumhur Ahsa'i, Muhammad b. 'Ali, 'Awali al-Li'ali, ed. Mujtaba 'Iraqi, ۴ vols.' -۵

.Sayyid al-Shuhada Publication, ۱۴۰۳/۱۹۸۳, ۲/۱۸۷, No. ۶۶

.Al-Khisal, p. ۶۱۳ -۶

(a problem, should not blame anyone except himself.(۱

Despite the disagreement in legal sources concerning the difference between running and stagnant water, most of the jurists believe that urinating in water is aversive and (in stagnant water even more aversive.(۲

Furthermore, although in these traditions the issue brought up concerns urinating in animals' dwellings, it is to be accepted that with respect to the reason for this ruling, i.e. harming the animals, discharging human excreta in the dwellings of animals is not (permissible.(۳

This issue can be well understood from the following saying of the Holy Prophet :(S.A.W.) concerning the dwelling of the aquatic creatures

(Water has its inhabitants; do not abuse them by urinating or defecating.(۴

If we accept that polluting the animals' environment with human waste is an indecent act as it would abuse the animals, the question remains to be answered as to whether by implication from the traditions and trusting the reasons provided in them, we can make the judgment that polluting the animals' environment using any type of .pollutant is aversive, in case it abuses them

Respecting Animals' Status .۵

Being committed to respecting animals is regarded as a principle in adjusting the relationship between human and animal. For this reason, people are not permitted to .prepare the ground for offending the animals by mistreating or misusing them

Although concealing one's private parts from animals is not obligatory,(۵) we should

remember to observe courtesy before them in this respect. It is probably for this reason that the Holy Prophet (S.A.W.) dismissed the shepherd of his sheep

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۱- Ilal al-Shara'i', ۱/۲۸۳, No. ۱.

۲- Al-'Amili, Zayn al-Din, Rawdh al-Janan fi Sharh Irshad al-Adhhan, lithography, Al al-Bayt Institute, ۱۴۰۴/۱۹۸۳, p. ۲۶; Majma' al-Fa'ida wa al-Burhan fi Sharh-i Irshad al-Adhhan, ۱/۹۵; Madarik al-Ahkam fi Shara'i' al-Islam, ۱/۱۸۰; Dhakhirat al-Mi'ad fi Sharh al-Irshad, ۱/۲۱; Jawahir al-Kalam fi Sharh Shara'i' al-Islam, ۲/۶۸-۶۹; Ansari, Kitaba l-Tahara, ۱-۴۸۱; Hakim, Sayyid Muhsin, Mustamsik al-'Urwat al-Wuthqa, ۱۴ vols. ۴th edition, ۱۴ vols. Dar Ihya' al-Turath al-'Arabi, Beirut, ۱۳۹۱/۱۹۷۱, ۲/۲۴۴-۲۴۵, Ibn Qudama, Al-Mughni, ۱/۱۵۷.

۳- Rawdh al-Janan fi Sharh Irshad al-Adhhan, p. ۲۶; Jawahir al-Kalam fi Sharh Shara'i' al-Islam, ۲/۶۸-۶۹; Ansari, Kitaba l-Tahara, ۱-۴۸۱; Misbah al-Faqih, ۱/۹۳; Dhakhirat al-Mi'ad fi Sharh al-Irshad, ۱/۲۱; Hakim, Sayyid Muhammad Sa'id, Misbah al-Minhaj, ۴ vols. Maktab al-Sayyid al-Hakim, ۱۴۱۶/۱۹۹۶; ۲/۱۴۵.

۴- Awali al-Li'ali, ۲/۱۸۷, No. ۶۷.

۵- Jami' al-Maqasid fi Sharh al-Qawa'id, ۱/۹۹.

because he was sitting naked in front of them and said, "We do not hire a person who is not ashamed of God in their private parts.

One day the Holy Prophet (S.A.W.) went to check on his sheep. The shepherd was sitting naked while cleaning his clothes. When he noticed that the Holy Prophet (S.A.W.) was coming, he put on his clothes. The Holy Prophet (S.A.W.) told him, "Go away! We do not need your shepherding." The shepherd asked, "Why?" the Holy Prophet (S.A.W.) said, "Our family does not employ those who do not observe courtesy in the presence of God and are not ashamed of Him in their private parts."(۱)

Paying attention to such a law in utilizing animals has prompted some Muslim jurists not to permit people to clean off themselves (istinja') with living animals' parts such as tail, ear, and wool after releasing faeces, because this action would discredit the

(status of the animal.(۲

In contrast, a number of jurists – instead of this issue – have only pointed out the general rule that after releasing faeces one cannot clean off with respectful objects,(۳) as by accepting the respectfulness of animals, it can be decreed that using living animals' parts for this purpose is not permissible.

With this explanation, there remains no room for the claim that only abusing animals and not degrading them is unlawful (haram),(۴) just as disrespect for the animals' (parts is not permissible, either.(۵

Paying attention to such a status for animals in the Islamic legal system

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۱ - Daylami, Husayn b. Al-Hasan, Irshad al-Qulub, ۲ vols. Sharif Radhi Publication, ۱۴۱۲/۱۹۹۱, p. ۱۶۱.

۲ - Al-Majmu' fi Sharh al-Muhadhdhab, ۲/۱۲۱, ۲/۱۱۲; Al-Mughni, ۱/۱۴۹; Fath al-'Aziz fi Sharh al-Wajiz, ۱/۴۹۷; Rawdhat al-Talibin, ۱/۱۸۰; Mughni al-Muhtaj ila Ma'rifat Ma'ani Alfaz al-Minhaj, ۱/۴۳; Sahih Muslim bi Sharh al-Nawawi, ۳/۱۵۷; Kashf al-Litham, ۱/۲۰.

۳- 'Amili, Muhammad b. Makki, Al-Dhikra, Lithography, p. ۲۱; Rawhani, Minhaj al-Salihin, ۱/۲۷.

۴- Al-Majmu' fi Sharh al-Muhadhdhab, ۲/۱۲۱ (quoted from Mawardi).

۵- 'Amili, Sayyid Muhammad Jawad, Miftah al-Kirama fi Sharh Qawa'id al-'Allama, ed. Muhammad Baqir al-Khalisi, ۵ vols. Mu'assisat al-Nashr al-Islamiyya, Qum, ۱۴۰۹/۱۹۸۸, ۱/۲۱۲.

has led to the ruling that when some animals, due to lack of understanding their own situation, perpetrate something that may degrade their status and respect, people are obliged to stop its fulfillment or continuation.

The Commander of the Faithful Imam 'Ali (A.S.) was passing by a male and female animal engaged in copulating on the way. He turned his face away from them. He was asked, "Why did you do so?" He answered, "It does not behoove them to do such a

repulsive act in public; one should hide them in a way that no human being may see (that."(1

The principle of respectfulness in human-animal relationship is not restricted just to .the animals' living period; it applies to their afterlife, too

Imam al-Sajjad (A.S.) advised his son to bury in the ground the body of the camel, by which he had several times performed his Hajj pilgrimage, after it dies so that it may (not be prey to predators.(2

For this reason, any kind of offense to the animals' corpses is not permissible and the Muslims are not permitted to cut off the animals' parts of body such as their ears, lips, (nose, etc. or damage their faces (mutilate) for the purpose of revenge or the like.(3

Discourse Three: Ethical Studies

point

Observing ethical ocnsiderations towards animals by human beings is of special importance in the true religion of Islam, to the extent that they should ask for God's .pardon for their ill-treatment the animals

If Allah pardons you for what you have done to animals, He

p: ۱۱۰

.Al-Mahasin, ۲/۶۳۴, No. ۱۲۴ -۱

.Al-Mahasin, ۲/۶۳۵-۶۳۶, No. ۱۳۳ -۲

.Al-Muhalla, ۸/۳۹۹; Sharh al-Azhar, ۴/۵۶۶ -۳

(has given you a great pardon.(1

Be wary of God concerning what Allah has given to you and the tongueless among your possessions. Someone asked, "What do you mean by tongueless among our (possessions?" He said, "Sheep, cats, pigeons, etc."(2

Therefore, it would be natural that Islam, through expressing ethical instructions, mention to man the procedures and manners of utilizing animals. The ethical considerations and instructions can be divided into two general sections: physical .considerations, psychological consideration

Physical Considerations

point

Examining the ethical instructions of Islam concerning animals' physical aspects, we :arrive at two general principles

Productivity and Power of Animals .۱

In Islamic law, the proportion between the capacity of the one charged with a duty (mukallaf) and the duty (taklif) itself is a principle common to human and animals. The intellect and religion deem it as unjust that the Almighty God demands tasks from His :servants that are beyond their capacity

)(Allah does not task any soul beyond its capacity.(۳(

In addition, in their relationships between one another, people are not allowed to demand each other to perform tasks that are beyond their capacity (impracticable). This principle is also true for the relation between man and animal; that is why man is not permitted to use the animal beyond its capacity or create a situation that it cannot (tolerate.(۴

This principle enjoys so highly a status in Islamic thought that if not upheld, it would :yield two critical results

First, non-acceptance of devotional acts: Imam al-Sadiq (A.S.) asserts that God will not accept the prayers and Hajj of the person who spurs a mount

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.Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, ۹/۶۶, No. ۲۴۹۷۳ -۱

.Makarim al-Akhlaq, p. ۱۲۹ -۲

.Q. ۲:۲۸۶ -۳

Rawdhat al-Talibin, ۶/۵۲۴; Al-Hada'iq al-Nazira fi Ahkam al-'Itrat al-Tahira, ۲۵/۱۴۲; -۴ Al-Iqna' fi Hall Alfaz Abi Shuja', ۱/۲۲۴; Jawahir al-Kalam fi Sharh Shara'i' al-Islam, .۳۱/۳۹۷; Mughni al-Muhtaj ila Ma'rifat Ma'ani Alfaz al-Minhaj, ۳/۴۶۳

(to force it to move faster beyond its capacity.(۱

Second, Punishment: The Commander of the Faithful Imam "Ali (A.S.) reprimanded the caravan leader who had driven his mounts faster for arriving at destination sooner (and deprived him of working in Kufa.(۲

:Notice some functions of this principle concerning animals

Taking Rides: using quadrupeds for riding is an accepted practice in Islam, as the .۱.۱ :Holy Qur'an has also approved it

(And horses, mules and asses, for you to ride them.)(۳(

However, from two standpoints, this kind of usage should be proportionate to the :animal's capacity and not cause it any harm

First, how to ride it: the one who is using the mount for riding should watch out the way he sits on the animal that would not cause distress and pain to it and would fit the .animal's body structure

The Holy Prophet (S.A.W.) has prohibited the Muslims from tawarruk on animals. What is meant by tawarruk is a way of sitting on an animal with both legs hanging on one side or sitting in a cross-legged position, not dividing the weight of one's body on the .entire animal's back

Do not pull up your legs on the animal's back [or hang them on one side] and do not (make its back a place for dialogs with others.(۴

Second, the number of riders: if the standard for using the animal is its capacity, this capacity is definitely limited for bearing the weight of a human being. For this reason,

the Holy Prophet (S.A.W.) does not permit several people

۱- Man la Yahdhuruhu al-Faqih, ۲/۳۹۲-۳۹۳, No. ۲۴۹۳; Bihar al-Anwar, ۶۱/۲۱۲, No. ۱۹.

۲- Bihar al-Anwar, ۹۶/۱۲۲, No. ۸.

۳- Q. ۱۶:۸.

۴- Bihar al-Anwar, ۶۱/۲۱۴.

ride on the back of an animal (irdaf) at the same time and has warned that if they do that, one of them would be cursed (mal'un).(۱)

Obviously, the permissibility or impermissibility of more than one person riding on an animal's back is subject to the capacity and tolerance of the animal; in case an animal cannot stand the weight of more than one person (unendurable), this would be impermissible.(۲) Thus, to give the animal due consideration, people had better use the animal for riding in turn (i'tiqab = one by one), as it is practiced by the Holy Prophet (S.A.W.) on various occasions.(۳)

۲.۱. Carrying Loads: the animal's owner is not permitted to load it with goods heavier than its capacity under the pretext that he owns it,(۴) because such an act would torment (ta'dhib) and harm (idhrar) the animal.(۵) The Islamic ruler (government) is obliged to prevent the owner in case of perpetrating this act.(۶)

It is worth mentioning that in some legal sources two conclusions have been derived from this issue. First, in case of renting one's animal to others (lease), the owner is not allowed to agree that the renter can overload the animal.(۷) Second, the user of the animal is not allowed to change the type or amount of loads being transported by the animal by changing the content of the lease contract, causing torment to the animal.(۸)

Furthermore, the load should be positioned on the back of the animal in a way that it may not cause any

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۱- See: Bihar al-Anwar, ۶۱/۲۱۹; Wasa'il al-Shi'a ila Tahsil Masa'il al-Shari'a, ۸/۳۶۳; Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, ۹/۶۶, No. ۲۴۹۷۲.

۲- Al-Majmu' fi Sharh al-Muhadhdhab, ۴/۳۹۱; Bihar al-Anwar, ۶۱/۲۱۹.

۳- Al-Majmu' fi Sharh al-Muhadhdhab, ۴/۳۹۲.

۴- Masalik al-Afham ila Tanqih Shara'i' al-Islam, ۸/۵۰۳; Kifayat al-Ahkam, p. ۱۹۸; Kashf al-Litham, ۲/۱۱۸; Al-Hada'iq al-Nazira fi Ahkam al-'Itrat al-Tahira, ۲۵/۱۴۱-۱۴۲; Jawahir al-Kalam fi Sharh Shara'i' al-Islam, ۳۱/۳۹۷.

۵- Al-Sharh al-Kabir, ۹/۳۱۲-۳۱۳; Kashshaf al-Qina', ۵/۵۸۱.

۶- Fiqh al-Sunna, ۳/۵۰۹.

۷- Al-Majmu' fi Sharh al-Muhadhdhab, ۴/۳۹۰-۳۹۱.

۸- Bada'i' al-Sana'i' fi Tartib al-Shara'i', ۴/۲۱۴; Tuhfat al-Fughaha, ۲/۳۵۸; Al-Mabsut, ۱۱/۱۳۸; Al-Madunat al-Kubra, ۶/۱۶۳, ۴/۴۷۲.

injury to it.

A caravan of camels was passing by Imam al-Sadiq (A.S.). He saw a camel whose load was tilted; he said, "O young boy! Do justice to this animal, because Allah loves justice."(۱)

The Holy Prophet (S.A.W.) said, "Place the loads on the rear part of the animal's back, because the two hands [front legs] are suspended (loose) and the two feet [hind legs] are firm."(۲)

۱.۳. The Amount and Speed of Movement: according to the religious doctrines, two factors have to be taken into consideration in determining the amount and speed of the movements of animals such as horses and camels.

۱.۳.۱. The Quality of the Track on which to Move: the one who uses an animal for travelling has to be careful not to cause any harm to the animal in this way; thus, he is obliged to choose the easiest path for it to move on.

Once any one of you rides an animal, take it through smooth roads.(۳)

Speed of Movement: also, the animal's speed should be chosen proportionate to .۲.۳.۱ (the quality of the path (road).(۴

When you are travelling on a verdant land, give the camel a chance to graze; and when you are travelling in a dry and arid land, pick up your speed before the animal becomes restless with the roughness of the path. And when the night falls, stop moving on, because during the night the predators and creepers move on the way ([and may be harmed as you are moving on].(۵

God loves tolerance and helps

p: ۱۱۴

.Al-Mahasin, ۲/۳۶۱, No. ۹۱ -۱

.Man la Yahdhuruhu al-Faqih, ۲/۲۹۲, No. ۲۴۹۱ -۲

Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, ۹/۶۲, No. ۲۴۹۵۲ -۳

.Al-Majmu' fi Sharh al-Muhadhdhab, ۴/۳۹۲-۳۹۳, No. ۲۴۹۵۲ -۴

Riyadh al-Salihin min Hadith Sayyid al-Mursalin, p. ۴۳۵, No. ۹۶۲; also see: Sahih ibn -۵ .Khuzayma, ۴/۱۴۴ and ۱۴۵

practicing it. Whenever you ride lean animals, use them according to their capacity; if (the land is dry pick up their speed and if it is green, leave them to graze.(۱

If you are moving on a verdant land, be tolerant to the animal to graze, but if you are (travelling on a dry land, pick up your speed.(۲

For this reason, in some Islamic sources directing animals through the [right] pathway is regarded as among their rights so that they would not be harmed out of unfamiliarity with the path (The right thing for the rider to do is to say to the (pedestrian: [move out of] the way!).(۳

Therefore, only man's need for fast movement is not enough to force the animal to move fast; rather, it should be noted that this kind of movement would not do any (harm to the animal.(۴

۲. Utilization and Welfare of Animals

According to religious instructions, constant use of animal is not permissible; the animal should be given intervals to rest.(۵) It was on this basis that when the Holy Prophet (S.A.W.) performed his morning prayer on journey, he would dismount his camel and let it rest for a while.(۶) Similarly, in praise of the one who rested his animal after climbing up steep slopes, he said:

Anyone who dismounts an animal when riding in mountain passes, is like the one who frees a slave in the way of God.(۷)

Some supportive instructions of Islam in this regard are as follows:

۲.۱. Avoidance of Sitting on the Back of Animals for a Long Time:

۱- Al-Mahasin, No. ۸۷.

۲- Ibid, No. ۸۹.

۳- Bihar al-Anwar, ۶۱/۲۱۴-۲۱۵.

۴- Kashif al-Ghita', Shaykh Ja'far, Kashf al-Ghita' 'an Mubhamat Shari'at al-Ghura', ۲ vols. Lithography, Nashr-i Mahdi, Isfahan, ۲/۴۳۳.

۵- Al-Majmu' fi Sharh al-Muhadhdhab, ۴/۳۹۱.

۶- Bayhaqqi, Al-Sunan al-Kubra, ۵/۲۵۵.

۷- Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, ۹/۶۹, No. ۲۴۹۹۲; also see: Musnad al-Shammiyin, ۱/۳۸۱, No. ۶۶۲.

the user of the animal is not allowed to keep sitting on its back unnecessarily for a long time(۱) and use its back as a place for conversation.(۲)

Beware of using the back of animals as a place for conversation, since God has left them at your disposal to use them to attain places you normally would attain with difficulty; and He made the earth a settlement for you, so fulfill your needs by them [and release them].(۳)

Ride the animals without hurting them and after fulfilling your needs, leave them unhurt; do not use animals as seats and as places for conversation on roads and in marketplaces. It is likely that an animal is better than the person riding it and is more (in remembrance of the Almighty Allah than he is.(۴

Furthermore, one is not allowed to use the back of the animal as a place for sleeping (and spending his resting time.(۵

Taking Loads off the Animal's Back: in view of some jurists, merely stopping the .۲.۲ animal in intervals for resting it is not enough; rather, the load should be taken off its back so that the animal has a chance to have enough rest, as keeping loads on its (back torments (ta'dhib) it.(۶

The Holy Prophet (S.A.W.) saw a camel whose legs were tied while bearing its saddlebag. He asked, "Where is its owner? He does not have mercy. Let him be ready (for prosecution on Resurrection Day.(۷

Utilization and Health of Animals .۳

Despite the two factors of capacity and welfare, there is a third factor

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.Bihar al-Anwar, ۶۱/۲۱۹-۲۲۰ -۱

.Al-Majmu' fi Sharh al-Muhadhdhab, ۴/۳۹۱ -۲

.Bihar al-Anwar, ۶۱/۲۱۹-۲۲۰; Sunan Abi Dawud, ۱/۵۷۸, No ۲۵۶۷ -۳

Miza al-Hikma, ۱/۷۱۲; also see: Ibn Habban, 'Ali b. Balban, Sahih ibn Habban, ed. -۴ Shu'ayb alArnu'ut, ۱۶ vols.s, ۲nd edition, Mu'assisat al-Risala, ۱۴۱۶/۱۹۹۳, ۱۲/۴۳۷, No. ۵۶۱۷; .Sahih ibn Khuzayma, ۴/۱۴۲

.Al-Majmu' fi Sharh al-Muhadhdhab, ۴/۳۹۱ -۵

.Mawahib al-Jalil bi Sharh Mukhtasar Khalil, ۴/۱۶۹ -۶

.Bihar al-Anwar, ۷/۲۶۷; Nur al-Thaqalayn, ۱/۷۱۵ -۷

in man's Utilization of animals, which can be inferred from the following saying of the :(.Holy Prophet (S.A.W

Be wary of God concerning these animals; eat their meat when they are fattened and use them for riding when they are healthy.(1)

In Muslim jurists' view, man's utilizing animals must not directly or indirectly result in their physical impairment.

To prove this issue, despite some reasons referred to in specific instances, the general law of la dharar wa la dhirar fi al-Islam (no injury or malicious damage is [allowed] in Islam) can be used here. As, according to this rule, any action that results in damage to oneself or others is not permissible and performing it is unlawful (haram), no matter it is done to man or other living creatures – animals and plants.(2)

For instance, man is entitled to use the milk of animals such as camel, cow, and sheep as a perfect food supply; however, this should not cause damage to the animal. Accordingly, three duties are stated for man in this regard:

Clipping nails: if one wants to milk an animal directly with their own hands, they are obliged to clip their nails to avoid hurting or injuring the animal.(3)

Giving advice to one of his companions for taking care of the sheep, the Holy Prophet (S.A.W.) said:

Tell your children to clip their nails to avoid scratching or injuring the animal's breast.(4)

Obviously, if this is done indirectly by automatic milking devices, the above caution is also to be taken into consideration, even though no

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۱- Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, ۹/۶۷, No. ۲۴۹۸۰.

۲- Al-Majmu' fi Sharh al-Muhadhdhab, ۴/۳۹۰-۳۹۱.

۳ - Mughni al-Muhtaj ila Ma'rifat Ma'ani Alfaz al-Minhaj, ۳/۴۶۳; Jawahir al-Kalam fi Sharh Shara'i' al-Islam, ۳۱/۳۹۷; Rawdhat al-Talibin, ۶/۵۲۴; Al-Iqna' fi Hall al-Alfaz Abi Shuja', ۲/۱۴۲; Kashshaf al-Qina', ۵/۵۸۱; I'anat al-Tallibin, ۲/۱۲۴.

.Al-Tabaqat al-Kubra, ۷/۴۸ -۴

mention is made about it in early legal (Islamic) sources. Actually, the reason behind such a ruling in Islamic legal system is to prevent hurting the animal, without its way of doing has anything to do with that ruling (tanqih al-manat = refinement of the root .(of the ruling

Not fully draining the milk: it is better (recommended) and sometimes necessary (obligatory) that the animal's breast is not totally drained of milk, because in normal conditions this would torment the animal and in time of drought and lack of fodder it (would cause damage to the animal.(۱

:Perhaps, it was for this consideration that the Holy Prophet (S.A.W.) said

(In time of abundance of water, milk your animal so that you can enter Paradise.(۲

Furthermore, if the animal has a suckling baby, the total draining of the breast would endanger the baby's health; therefore, it is obligatory to leave some milk in the (animal's breast to feed its baby, unless feeding it otherwise.(۳

It should be mentioned that what Islam intends by not totally draining the animals' breast is primarily providing for the health of the animal and its baby; however, this ruling can also be of benefit to human, since the little milk remaining in the animal's .breast may cause more milk production

:The Holy Prophet (S.A.W.) told a man who was striving hard to milk a camel

(Leave out some of the milk to produce more milk.(۴

Refraining from Milking (tark al-halb): acceptance of a bilateral legal relationship existing between man and animal causes each one

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Qawa'id al-Ahkam fi Ma'rifat al-Halal wa al-Haram, ۳/۱۱۸; Idhah al-Fawa'id fi Sharh -۱ Ishkalat al-Qawa'id, ۳/۲۹۰; Kashf al-Litham, ۲/۱۱۸; Jawahir al-Kalam fi Sharh Shara'i'

al-Islam, ٣١/٣٩٧; Al-Hada'iq al-Nazira fi Ahkam al-'Itrat al-Tahira, ٢٥/١٤٣; Mughni al-Muhtaj ila Maʿrifat Maʿani Alfaz al-Minhaj, ٣/٤٦٣; Al-Iqnaʿ fi Hall Alfaz Abi Shujaʿ, ٢/١٤٢; .Rawdhat al-Talibin, ٦/٥٢٤

٢- Kanz al-Ummal fi Sunan al-Aqwal wa al-Afʿal, ٩/٦٧, No. ٢٤٩٨١.

٣- Qawa'id al-Ahkam fi Maʿrifat al-Halal wa al-Haram, ٣/١١٨; Idhah al-Fawa'id fi Sharh Ishkalat al-Qawaʿid, ٣/٢٩٠; Al-Lumʿat al-Damishqiyya, p. ١٧٨; Al-Rawdhat al-Bihiyya fi Sharh al-Lumʿat al-Damishqiyya, ٥/٤٨٦; Masalik al-Afham ila Tanqih Shara'iʿ al-Islam, ٨/٥٠٢; Kifayat al-Ahkam, p. ١٩٨; Riyadh al-Masa'il fi Bayan al-Ahkam bi al-Dala'il, ٢/١٦٨; Jawahir al-Kalam fi Sharh Shara'iʿ al-Islam, ٣١/٣٩٦; Kashshaf al-Qinaʿ, ٥/٥٨١; Al-Sharh al-Kabir, ٩/٣١٣-٣١٤; Fiqh al-Sunna, ٣/٥٠٩; Al-Iqnaʿ fi Hall Alfaz Abi Shujaʿ, ٢/١٤٢; Fath al-Wahhab bi Sharh Manhaj al-Tullab, ٢/٢١٨; Rawdhat al-Talibin, ٦/٥٢٤; Mughni al-Muhtaj ila Maʿrifat Maʿani Alfaz al-Minhaj, ٣/٤٦٣.

٤- Maʿani al-Akhbar, p. ٢٨٤; also see: Al-Mujazat al-Nabawiyya, pp.٢٥٠-٢٥١.

of them to have a mutual right to each other. Given this, if man does not use his right to utilize the animal and it causes damage to the animal, this right turns into a duty .obliging him to utilization, which he cannot shun under the pretext of not wanting to

Therefore, man is not permitted to disregard his right to use the milk and milking the animal, because accumulation of milk and not draining the animal's breast in due time (would inflict harm on the animal.(١

Attempting to Increase the Animal's Weight: it is according to this attitude that some Islamic legal sources have examined the issue of fattening (tasmin) animals. Although increasing the weight of the animals whose meat is edible would entail economic benefits, it is necessary to notice that practicing this should not endanger the animal's health, especially if this increase is achieved by feeding it with chemical food (supplements.(٢

Psychological Considerations

point

If we assume that animals have souls just like human beings do, we should not

neglect their psycho-spiritual considerations in adjusting our behavior to them. Relying on the sayings of the Holy Prophet (S.A.W.) and the Infallible Imams (A.S.), the Muslim jurists and legal experts have stated such considerations in terms of ethical rules:

1. Not Using Offensive Words

Using abusive and offensive words is not only remorseful to be used about human beings, but also a Muslim is not permitted to use them even about animals. For this reason, Imam Al-Sadiq (A.S.) has regarded not using foul language against animals as a right

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۱ - Mughni al-Muhtaj ila Maʻrifat Maʻani Alfaz al-Minhaj, ۳/۴۶۳; Jawahir al-Kalam fi Sharh Shara'iʻ al-Islam, ۳۱/۳۹۷; Al-Muhadhdhab al-Bari' fi Sharh al-Mukhtasar al-Nafi', ۲/۵۰۰; Rawdhat al-Talibin, ۶/۵۲۴; Al-Iqna' fi Hall Alfaz Abi Shuja', ۲/۱۴۲; Fath al-Bari Sharh Sahih al-Bukhari, ۴/۳۰۳.

۲- Mawahib al-Jalil bi Sharh Mukhtasar Khalil, ۴/۳۷۷.

that has to be respected by man towards animals.(۱)

The repugnance of this act is so strong that some Muslim jurists have not only viewed it as unlawful (haram), but also as among the major sins,(۲) and have considered its perpetration as causing the obstruction of justice and non-acceptance of testimony by the offender in judicial issues.(۳)

The Apostle of Allah (S.A.W.) said, "When the animal that is being ridden by someone disobeys and its owner says 'O! miserable' to it; the animal will answer back, 'miserable is the one who is more disobedient to the Lord'."(۴)

The Apostle of Allah (S.A.W.) heard someone cursing his camel. He told him, "Go back and do not accompany us with the camel that has been offended."(۵)

While travelling, the Holy Prophet (S.A.W.) heard someone's cursing and said, "What

was that?" they answered, "A woman is cursing her camel." The Holy Prophet (S.A.W.) said, "Leave her, as she herself is cursed."(۶)

The Commander of the Faithful Imam 'Ali (A.S.) said about animals, "Do not curse them (animals), because God curses the curser."(۷)

The Holy Prophet (S.A.W.) warned against cursing the rooster and said, "It wakes you up for morning prayer."(۸)

Not only a Muslim is not permitted to use harsh words when talking to animals, he is also obliged to have a respectful behavior towards them and address them with beautiful words.

The Apostle of Allah (S.A.W.) dismounted his horse and told it, "Bravo to you! Wait here until I perform my prayers and return to you." The Apostle of Allah

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۱- Tahdhib al-Ahkam fi Sharh al-Muqniʽa, ۶/۱۶۴, No. ۳۰۳.

۲- For more information concerning great sins (kabair) in Islamic jurisprudence and different opinions in that respect, see: Muʽjamu Alfadh al-Fiqh al-Jaʽfari p. ۳۴۴; Qalʽaji, Muhammad, Muʽjam Lughat al-Fuqaha, ۲nd edition, Dar al-Nafaʽis, Riyadh, ۱۴۰۸/۱۹۸۸, p. ۳۷۶; Abu Jayb Saʽdi, Al-Qamus al-Fiqhi, ۲nd edition, Dar al-Fikr, Damascus, ۱۴۰۸/۱۹۸۸, p. ۳۱۴.

۳- I'anat al-Talibin, ۴/۳۲۴; Afandi, Muhammad 'Ala' al-Din, Takmilatu Radd a-Mukhtar 'ala Durr al-Mukhtar, ۲ vols. Dar al-Fikr, Beirut, ۱۴۱۵/۱۹۹۵, ۱/۵۶۴; Kashshaf al-Qina', ۵/۵۸۱.

۴- Wasa'il al-Shiʽa ila Tahsil Masa'il al-Shariʽa, ۸/۳۵۶, No. ۱-۲.

۵- Mizan al-Hikma, ۱/۷۱۲.

۶- Sunan Abi Dawud, ۱/۵۷۷, No, ۲۵۶۱.

۷- Wasa'il al-Shiʽa ila Tahsil Masa'il al-Shariʽa, ۸/۳۵۳, No. ۶ and ۸.

۸- Man la Yahdhuruhu al-Faqih, ۴/۵.

(S.A.W.) went into the mosque and the horse was standing still there; the Holy Prophet

((S.A.W.) said, “Bravo to you!”(١

Emotional Support .٢

The spiritual and emotional interdependence of the mother and the child in human .beings as well as in animals has always been of interest to Islam

One day, I was travelling with the Holy Prophet (S.A.W.) when he left us for some task. I saw a bird with two fledglings. I took its two fledglings. The bird turned back and flew behind us for its fledglings. The Holy Prophet (S.A.W.) arrived and then said, “Who (made this bird sad for its babies? Give it back its babies.”(٢

We were sitting with the Holy Prophet (S.A.W.). A man arrived with something wrapped in the corner of his robe and said, “O Apostle of Allah! When I saw you, I came toward you. I was passing by a garden when I heard the sound of a bird’s fledglings. I went to them, picked them up and put them in the corner of my robe. When the mother bird saw this, it began to fly over my head. I opened part of my robe for it and it dropped on its babies. I wrapped the robe and brought them to you.” The Holy Prophet (S.A.W.) said, “...Take them back where you have taken them and take .(their mother with them, too”(٣

This has led to the fact that the issue of their [the mother and the fledgling] separation is taken into consideration by the Muslim legal experts

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.Al-Nawadir, pp. ١٩٥-١٩۶ -١

Riyadh al-Salihin min Hadith Sayyid al-Mursalin, p. ۶٣۵, No. ١۶١٠; Sunan Abi Dawud, -٢ .١/۶٠٣, No. ٢۶٧۵; Al-Mustadrak ala al-Sahihayn, ۴/٢٣٩

.Sunan Abi Dawud, ٢/۵۵, No. ٣٠٨٩ -٣

:in two instances

Selling and Buying: it is discussed in some legal sources that when transacting .١.٢ quadrupeds, their babies should not be separated from their mothers and none of

them should be sold without the other,(۱) because this will torment both the mother and the baby; and the general law of prohibition of abusing animals applies to this issue, too.(۲)

۲.۲. Grazing: similarly, some jurists have brought up the issue of not separating the mother and the baby when turning them out to graze until the baby can stand on its own and their need for each other is fulfilled so that grazing one without the other would not harm them.(۳)

۳. Strengthening the Feeling of Safety

Feeling of safety is among the psycho-spiritual needs common to man and animal that Islam has formally recognized for them and has approved non-disturbance of peace as a principle in its ethico-judicial system.

Accordingly, while prohibiting hunting swallows that take shelter in one's house, and within the framework of the law, "give shelter to any animal that take shelter with you", it stresses that animals and birds should feel at peace and secure when living with human beings.(۴)

This principle is well represented in the Holy Prophet's (S.A.W.) conducts. When the army of Islam was leaving Madinah for Makkah, they encountered a dog that was breast-feeding its puppy and howling. The Holy Prophet (S.A.W.) told one of his soldiers to stand in front of the dog and its puppy lest they be hurt by the marching army.(۵)

The ethical considerations of Islam in the

۱- Mawahib al-Jalil bi Sharh Mukhtasar Khalil, ۶/۲۳۸.
۲- Mawahib al-Jalil bi Sharh Mukhtasar Khalil, ۷/۵۵۲; Fiqh al-Sunna, ۳/۶۲.
۳- Hashiyat al-Dasuqi, ۴/۲۳; Mawahib al-Jalil bi Sharh Mukhtasar Khalil, ۶/۲۳۸.
۴- Wasa'il al-Shiʿa ila Tahsil Masa'il al-Shariʿa, ۲۳/۲۳۸.
۵- Subul al-Huda wa al-Rishad fi Sirat Khayr al-'Ibad, ۵/۲۱۲ and ۷/۲۹.

importance of the safety of animals can be examined in the following two :recommendations

Not Encroaching upon the Birds' Habitats: most jurists believe that the birds' . ۱.۳ nestlings, as long as they are not enabled to fly, are in God's protection and that it is (aversive (makruh) to hunt them in their nests.(۱

Contrary to this generally accepted view, some Shi'a jurists regard this act as unlawful (haram), just as Ahmad Murtadha, a Suuni jurist, by generalizing the issue, (maintains that hunting the bird inside its nest is unlawful.(۲

Judging the above as unlawful or aversive is important from two perspectives: first, in respect to the father and mother birds, since they have to be sure their privacy is respected by human beings and no transgression is made when they leave the nest for procuring food. Second, in respect to the nestling that is entitled to spend its growth period assured by Divine protection without feeling in danger by its greatest .hunter, i.e., human being

The Exalted Allah has secured commitment from man not to take the mountain bird's (nestlings from their nests until they are not enabled to fly.(۳

Do not go after the birds in their nests so long as they have not grown feather and (learned to fly.(۴

Someone asked Imam al-Sajjad (A.S.):] A sparrow has laid eggs in the house; can the] nestling be taken from its nest? He answered, "No. The nestling is in God's protection (so long as it has not begun to fly."(۵

Encroaching upon the birds' private domain and

Al-Nihaya fi Mujarrad al-Fiqh wa al-Fatawa, p. ۵۷۹; Jami' al-Madarik fi Sharh al- - ۱ Mukhtasar al-Nafi', ۵/۱۱۰-۱۱۱; Riyadh al-Masa'il fi Bayan al-Ahkam bi al-Dala'il, ۲/۲۶۹; Mukhtalaf al-Shi'a, ۸/۳۵۳; Tahrir al-Ahkam, ۲/۱۵۸; Al-Muhadhdhab al-Bari' fi Sharh al-

Mukhtasar al-Nafi‘, ۴/۱۵۸; Nuzhat al-Nazir fi al-Jam‘ bayn al-Ashbah wa al-Naza’ir, p. ۴۶; Kashf al-Rumuz fi sharh al-Mukhtasar al-Nafi‘, ۲/۳۴۷; Al-Sara’ir al-Hawi li Tahrir al-Fatawi, ۳/۹۱; Hilli, Ja'far b. Hasan, Al-Mukhtasar al-Nafi' fi Fiqh al-Imamiyya, ۳rd edition, Tehran, Bi‘that Publication, ۱۴۱۰/۱۹۸۹, p. ۲۴۱; Ibn Babuwayh, Fiqh al-Ridha, .International Conference on Imam al-Reza (A.S.), Mashhad, ۱۴۰۶/۱۹۸۵, p. ۲۹۵

۲- See: Al-Mughni‘, p. ۴۲۲; Al-Hidaya fi al-Usul wa al-Furu‘, p. ۳۱۲; Man la Yahdhuruhu .al-Faqih, ۳/۳۲۱; Al-Mughni‘a, p. ۵۷۷; Sharh al-Azhar, ۴/۷۱

۳- .Mustadrak al-Wasa’il wa Mustanbat al-Masa’il, ۶/۱۱۷, No. ۱۹۳۲۶

۴- .Wasa’il al-Shi'a ila Tahsil Masa’il al-Shari'a, ۱۶/۲۳۹, No. ۱

۵- .Wasa’il al-Shi'a ila Tahsil Masa’il al-Shari'a, ۱۶/۲۴۱

taking their nestlings is not only an indecent act, but the Holy Prophet (S.A.W.) has .warned against it as the perpetrator will face Divine punishment for it

There was once a man among the people of the past who would encroach a bird’s nest and take its nestlings whenever its eggs hatched. The bird complained to God about this. God inspired to it that if he did this again, He would cause him to perish.(۱)

۲.۳ . Avoiding Hunting in the Night: According to Islam, time is of importance; nevertheless, nighttime is of special importance. Among the most significant features :that the Holy Qur’an states in various verses is the restfulness of night

(He has made the night for rest,) (۲)

(It is He who made the night for you, that you may rest in it)(۳)

The Holy Prophet (S.A.W.) has regarded as impermissible to perturb the birds’ privacy :during the night and disturb their peace, saying

Do not enter a bird’s sleeping place before morning arrives. A man asked him, “O Apostle of Allah! What is a bird’s sleeping place?” He answered, “Night is the sleeping place of a bird. Do not seek to get the birds before morning falls.”(۴)

The Apostle of Allah (S.A.W.) prohibited going toward birds at night and said, “Night is a safe haven for the bird.”(۵)

Do not look for birds in their nests at night, because for them night is the source of security and that is because of the Mercy that Allah Almighty has for them."(۶)

Accordingly, the Muslim jurists have considered

p: ۱۲۴

۱- Kanz al-'Ummal, ۶/۳۷۲, No. ۱۶۱۱۶.

۲- Q. ۶:۹۶.

۳- Q. ۱۰:۶۷.

۴- Wasa'il al-Shi'a ila Tahsil Masa'il al-Shari'a, ۱۶/۲۳۹, No. ۱.

۵- Wasa'il al-Shi'a ila Tahsil Masa'il al-Shari'a, ۱۶/۲۴۰, No. ۲.

۶- Makarim al-Akhlaq, p. ۱۲۹; Al-Mu'jam al-Kabir, ۳/۱۳۱, No. ۲۸۹۶.

hunting birds at night as impermissible (makruh).(۱)

Although abiding by this ethical principle is enjoined only for the birds, hunting various types of animals can also be regarded as impermissible by accepting the relaxing quality of night for all animals with the use of the generalization principle.

Perhaps it is for this same reason that the Muslim jurists have declared killing animals at night as impermissible (makruh)(۲) and maintain that the negative effects of cruel behavior (killing) are stronger at night.(۳)

Imam al-Sajjad (A.S.) would always reiterate to his servants to avoid slaughtering animals until dawn, saying, "God has made the night for rest for all creatures."(۴)

۴. Reduction of Tension and Strengthening Relaxation

If we accept that the animals, like human beings, have immaterial souls and enjoy a kind of understanding of and consciousness to what goes on around them, then we are obliged to adjust our behavior towards them in a way that may reduce their tension and negative emotions and give them back their lost peacefulness resulting from man's wrong exploitation of them.

The Apostle of Allah (S.A.W.) entered the house of one of the Helpers (ansars) in Madinah and there was a camel there. Upon seeing the Holy Prophet (S.A.W.), the camel's eyes filled with tears. The Holy Prophet (S.A.W.) went near it and cleaned its tears with his own hands. The camel calmed down; then, the Holy Prophet (S.A.W.) said, "Who is the owner of this camel?" A young man from among the Helpers came forward and said, "O Apostle of Allah! It is mine." His Holiness

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۱ - Al-Nihaya, p. ۵۷۹; Al-Sara'ir, ۳/۹۱; Al-Mukhtasar al-Nafi', p. ۲۴۱; Kashf al-Rumuz, ۲/۳۴۷; Al-Muhadhdhab al-Bari', ۴/۱۵۸; Jami' al-Madarik, ۵/۱۱۰. The reason for viewing it as impermissible and not unlawful (haram) despite the Holy Prophet's (S.A.W.) prohibition, is the weakness of the sanad of the narrated traditions and the inclusiveness of the reasons suggesting the lawfulness of hunting. See: Riyadh al-Masa'il, ۲/۲۶۹.

۲ - Masalik al-Afham ila Tanqih Shara'i' al-Islam, ۱۱/۴۸۹; Kashf al-Litham, ۲/۱۲۶۰; Jawahir al-Kalam fi Sharh Shara'i' al-Islam, ۳۶/۱۳۴.

۳- Bada'i' al-Sana'i' fi Tartib al-Shara'i', ۵/۶۰.

۴- Bada'i' al-Sana'i' fi Tartib al-Shara'i', ۵/۶۰.

(S.A.W.) said, "Do you not fear God in the matter of this beast, which He has made you its owner? This camel has complained that you leave it hungry."(۱)

Paying attention to this principle is so important in Islam that if the types of exploitation of the animal by man is (essentially) agitating, he is obliged to treat it in his utilization in such a way that would bring the anguish to the lowest level possible.

For instance, among different types of utilization is the man's use of some animals' meat, skin, and other organs, which will not be possible except by slaughtering them; however, man is not allowed to perform the slaughtering by adding to the anguish to the animals without ethical considerations.

The Holy Prophet (S.A.W.) says in this respect:

God has prescribed for you to do good to everything; so, when you kill and slaughter (animals) do kill and slaughter in a good way.(2)

Accordingly, by devising laws adopted from the great religious personalities, Muslim jurists have attempted to demonstrate that from the Islamic point of view the animals should not be psycho-spiritually abused even when being killed.(3)

Imam al-Baqir (A.S.) said in this respect:

Treat the animal that is supposed to be slaughtered with kindness and gentleness and not with violence, either before slaughtering it or afterwards.(4)

4.1. Not Killing (Slaughtering) Animals in Front of Each Other: Among the abusive treatments of animals is killing them in front of each other (qatl-i sabr),(5) which although most Muslim legal experts regard as aversive (makruh),(6) it

p: 126

1- Lawaqi' al-Anwar al-Qudsiyya fi Bayan al-'Uhud al-Muhammadiyya, p. 395; Ahmad, Musnad, 1/204; Sunan Abi Dawud, 1/574, No 2549; Al-Mustadrak ala al-Sahihayn, 2/66-100; Subul al-Huda wa al-Rishad fi Sirat Khayr al-'Ibad, 9/512; Bihar al-Anwar, 61/111.

2- Sunan al-Nisa'i, 7/227.

3- "The necessity to kill them does not contradict the proper quality of doing it." Faydh al-Qadir Sharh Jami' al-Saghir min Ahadith al-Bashir al-Nadhir, 2/311.

4- Bihar al-Anwar, 62/316.

5- Al-Nihaya fi Mujarrad al-Fiqh wa al-Fatawa, p. 584.

6- Mughni al-Muhtaj ila Ma'rifat Ma'ani Alfaz al-Minhaj, 4/272; Jawahir al-Kalam fi Sharh Shara'i' al-Islam fi Masa'il al-Halal wa al-Haram, 36/137; Masalik al-Afham ila Tanqih Shara'i' al-Islam, 11/490; Qawa'id al-Ahkam fi Ma'rifat al-Halal wa al-Haram, 3/322; Idhah al-Fawa'id fi Sharh Ishkalat al-Qawa'id, 4/138; Al-Durus al-Shar'iyya fi Fiqh al-Imamiyya, 2/416; Al-Muhadhdhab al-Bari' fi Sharh al-Mukhtasar al-Nafi', 4/174; Kifayat al-Ahkam, p. 247; Kashf al-Litham, 2/260; Mustanad al-Shi'a fi Ahkam al-Shari'a, 15/451.

seems to be unlawful (haram) since it torments the animals that see the killing.

The Commander of the Faithful Imam 'Ali (A.S.) would never kill (slaughter) a sheep in front of another sheep and would say:(1)

(2)Do not kill a sheep in front of another sheep and a camel in front of another camel.

The repugnance of this action is so great that it is related that the reason for Jacob's (A.S.) separation from his son Joseph (A.S.) was that one day he killed a lamb in front of its mother that was wailing, without being moved with compassion.(3)

۴.۲. Not Sharpening the Knife before the Animal's Eyes: Muslims are not permitted (it is makruh) to sharpen the knife or the tool that is to be used for slaughtering the animal before its eyes, it behooves them to do this away from the animal's sight (muwarat);(4) this would unduly torment the animal.(5)

The Holy Prophet (S.A.W.) was passing by a man who had laid his foot on the chest of a sheep and was sharpening his knife while the sheep was gazing at the man. The Holy Prophet (S.A.W.) told him, "Do you want to kill it twice? Why did you not sharpen your knife before you laid the animal down?"(6)

۴.۳. Not Showing the Knife to the Animal: Among the Islamic rules of conducts at the time of slaughtering the animal is not showing it the knife and the tools used for killing it.(7)

۴.۴. Taking the Animal to the Slaughterhouse with Kindness: From the viewpoint

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۱- For more information about some objections to proving unlawfulness of this act and the words of the Commander of the Faithful Imam 'Ali (A.S.), see: Fiqh al-Sadiq fi Sharh al-Tabsira, ۲۴/۴۳.

۲- Al-Kafi, ۶/۲۲۹-۲۳۰, No. ۷.

۳- I'anat al-Tallibin, ۲/۳۹۳.

۴- Mughni al-Muhtaj ila Ma'rifat Ma'ani Alfaz al-Minhaj, ۴/۲۷۲; I'anat al-Tallibin, ۲/۳۹۲.

.Al-Mabsut, ۱۱/۲۲۶; Bada'i' al-Sana'i' fi Tartib al-Shara'i', ۵/۶۱ -۵
I'anat al-Tallibin, ۲/۳۹۳; also, see: Mizan al-Hikma, ۳/۲۵۰۰; Al-Musannaf, ۴/۴۹۳, No. -۶ ۸۶۰۸
.Masalik al-Afham ila Tanqih Shara'i' al-Islam, ۱۱/۴۹۱ -۷

of the Muslim jurists, it is not permissible to treat animals violently even when preparing them for slaughtering because such a treatment would unduly intensify their torment ('ilam).(۱) Therefore, one is obliged to take the animal to the (slaughterhouse cautiously and kindly.(۲

The Apostle of Allah (S.A.W.) saw a man who had taken an animal's ear and pulling it (toward the slaughterhouse. He told him, "Take it kindly to its death."(۳

It seems it can be implied from this religious command that the animals enjoy a kind of consciousness that enables them to realize what others intend to do to them, as it (is related in traditions.(۴

Laying them down [for Slaughtering] with Kindness: Among the religious rules for .۴.۵ slaughtering small animals such as sheep is to be non-violent toward them when preparing them for slaughtering. For this reason, it is recommended to lay them down cautiously and kindly – preferably on the left side of their body(۵) – and then slaughter (them.(۶

Verily, Allah is benevolent and likes benevolence; ... Whenever you slaughter an animal, slaughter it with benevolence; each one of you has to sharpen his knife and (then lay the animal down.(۷

Allah has prescribed for you doing benevolence in everything you do... When you slaughter an animal, do it benevolently... You should lay it down on the left side of its (body.(۸

Imam al-Baqir was asked about slaughtering the sheep while standing. He answered, "This is not proper. The religious tradition is to lay the animal down facing toward the Ka'ba

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۱- Bada'i' al-Sana'i' fi Tartib al-Shara'i', ۵/۶۰.

۲- Masalik al-Afham ila Tanqih Shara'i' al-Islam, ۱۱/۴۹۱; Mughni al-Muhtaj ila Ma'rifat Ma'ani Alfaz al-Minhaj, ۴/۲۷۲.

۳- This matter has been related in other forms as well: "Take its leg; Allah is merciful to the merciful servants", "The Holy Prophet (S.A.W.) saw a man taking the ear of an animal; he ordered to the man, 'Let go of its ear and take its neck, instead"; see: Almabsut۱۱/۲۲۷; Sunan-i Ibn Majja, ۲/۱۰۵۹, No. ۸۶۰۹.

۴ - Al-Mabsut, ۱۱/۲۲۷: "Animals are negligent of all things except four: their Creator, their Provider (Razzaq), their death, and their mating".

۵- Kashshaf al-Qina', ۶/۲۶۶.

۶- Masalik al-Afham ila Tanqih Shara'i' al-Islam, ۱۱/۴۹۱.

۷- Al-Mu'jam al-Kabir, ۷/۲۷۵.

۸- Bada'i' al-Sana'i' fi Tartib al-Shara'i', ۵/۶۰.

(qibla).(۱)

۴.۶. Not Slaughtering the Animal by its Breeder: There is no doubt coexistence with animals would provide for a reciprocal emotional relationship between human and the animal. Thus, it is recommended in religious sources that the one who undertakes to breed animals should not be the one who slaughters them,(۲) because this would not only have an unpleasant spiritual impact on the animal, it would make man cruel-hearted, as well.(۳)

I said to Imam al-Ridha (A.S.), "I had a sheep that I had fattened for offering as sacrifice. When I took it and laid down, it looked at me and I felt pity for it. Yet, after a while, I slaughtered it." Imam al-Ridha (A.S.) said, "I wish you had not done it; do not slaughter the animal that you have bred yourself."(۴)

I said to Imam al-Sadiq (A.S.), "A man gives fodder to a couple of sheep to slaughter them [later]." He said, "I do not like this." I said, "A man buys a camel or sheep and supplies fodder for them from here and there to fatten them for sacrifice; can he

sacrifice them [when the time for sacrifice comes]?" The Imam (A.S.) said, "When the time [for sacrifice] comes, he should go to the market and buy a sheep or camel and (sacrifice it."(۵

Spiritual Tortures .۵

Avoidance of psycho-spiritual torment of animals is among the ethical principles that .if not attended to properly would entail physical damage to the animal, as well

:Two instances of these torments are touched upon in Islamic sources

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.Bihar al-Anwar, ۶۲/۳۱۶ -۱
.Basa'ir al-Darajat, p. ۳۶۸, No. ۵ -۲
.Jawahir al-Kalam fi Sharh Shara'i' al-Islam, ۳۶/۱۳۸ -۳
.Wasa'il al-Shi'a ila Tahsil Masa'il al-Shari'a, ۱۶/۳۰۸, No. ۱ -۴
.Ibid, No. ۲ -۵

Entertainment with Animals: One of the spiritual torments to animals is to pit animals against each other (tahrish), which can be motivated by such factors as racing and .entertainment

The Holy Prophet (S.A.W.) has prohibited Muslims from such acts and the Infallible .Imams (A.S.) have regarded it as aversive (makruh), except for the dogs

(The Holy Prophet (S.A.W.) prohibited pitting beasts against each other.(۱

The Apostle of God (S.A.W.) prohibited pitting beasts against each other, except for (dogs.(۲

The Holy Prophet (S.A.W.) considers as aversive the castration of animals and pitting (them against each other.(۳

I asked about pitting animals against each other, he [the Holy Prophet] answered, "All of it is aversive except fro the dogs."(4)

I asked Imam al-Sadiq (A.S.) about pitting animals against each other. He said, "I regard it as aversive, except for the dogs.(5)

Excluding dogs from the undesirability of tahrish does not mean that pitting them against each other is desirable; rather, it indicates the permission to instigate (ighra') the hunting dogs and encouraging them to chase prey (sayd).(6)

Pitting animals against each other is presumable in two cases: ١. pitting same species animals against each other, ٢. Pitting different species animals against each other, which in both cases are prohibited and despised by the Holy Prophet (S.A.W.) and the Infallible Imams (A.S.) and regarded as unlawful (haram). The reason is that, irrespective of injuring the animals, such an act would unduly inflict torment on them, as well.(7)

This religious precept seems to reflect the fact that from the viewpoint of Islam man

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١- Sunan al-Tirmidhi, ٣/١٢۶, No. ١٧۶٠.

٢- Ibid, No. ١٧۶١.

٣- Man la Yahdhuruhu al-Faqih, ۴/۶٠, No. ۵٠٩۶.

۴- Al-Kafi, ۶/۵۵٣-۵۵۴, No. ١.

۵- Ibid, p. ۵۵۴, No. ٢.

۶- Al-Kafi, ۶/۵۵۴, marginal notes.

٧- 'Ali, Nayl al-Awtar min Hadith Sayyid al-Akhyar, ٨/٢۴٩; Tuhfat al-Ahudhi bi Sharh Jami' al-Tirmidhi, ۵/٢٩٩; Awn al-Ma'bud Sharh Sunan Abi Dawud, ٧/١۶۵, No ١٣٧; Ibn al-Turkamani, 'Ala al-Din b. 'Ali, Al-Jawhar al-Naqi, ١٠ vols. Dar al-Fikr, ١٠/٢٢; Fiqh al-Sunna, ٣/۵١١; Al-Majmu' fi Sharh al-Muhadhdhab, ۶/١٧٧; Al-Jami' li al-Shara'i', p. ٣٩٧; Al-Sara'ir al-Hawi li Tahrir al-Fatawi, ٣/۵۶٣; Al-Mahasin, ٢/۶٢٨, marginal notes; Damayri, Muhammad b. Musa, Hayat al-Haywan al-Kubra, annotation and introduction by Ahmad Hasan Basj, Dar al-Kutub al-'Ilmiyya, Beirut, ٢/٣۶٨.

is not permitted to misuse animals for his entertainment and profiteering, even (though using such comely phrasings as races and sports to justify this practice.(1)

Perhaps it was from this perspective that the Holy Prophet (S.A.W.) did not regard as permissible the unwise using of animals and exploiting them in useless and futile affairs and regards their utilization as permissible only when they are used in the way (of God, namely, in the direction that God has specified in their creation.(2)

Therefore, we can rightly judge that such contests as cock-fighting, dog-fighting and .bull-fighting are indecent and unlawful practices

Using Birds as Baits: Man has since long ago used different methods for hunting .5.2 animals, among which is using the animals themselves. In this method, which is used for the flying birds, a bird is used on the land to lure the flying birds down to a certain .place and catch them with a net

Some Muslim jurists wonder if the birds can be used as baits, by means of which other birds can be caught. To reply, some argue that although using such birds is materially high yielding for man, using them as baits is impermissible and buying and selling (them for this purpose is not right.(3)

Children's Play with Animals: One of the treatments that can spiritually torment .5.3 animals is leaving them with children. Although playing with small animals and certain (birds is pleasing for children, it is not desirable since it tortures them.(4)

(.It was on this basis that Imam al-Ridha (A.S

.Hashiyat al-Dasuqi, 2/209 -1

".Al-Khisal, p. 330, No. 28: "Do not stay on their backs except in the way of Allah -2

Al-Mughni, 4/303 and 11/32; Al-Sharh al-Kabir, 4/10 and 11/40; Kashshaf al-Qina', 3/174; -3 .Muntaha al-Matlab, 2/1017; Tahrir al-Ahkam, 1/161

.Fath al-Bari Sharh Sahih al-Bukhari, 10/484 -4

(advises his companions not to even leave a lark with children to play with.(١)

Conclusion

:Several significant conclusions can be made from all that was said above

From the Islamic point of view, animals, like human beings, have the right to live. .١ Therefore, man is not permitted to deprive animals of this right by way of [abnormal] .exploitation

From the Islamic point of view, tormenting animals is an undesirable practice; thus, .٢ man is not permitted to use animals in such way as resulting in their physical or .psychological abuse

From the Islamic point of view, animals enjoy a special spiritual status because of .٣ their non-material soul; therefore, man is not permitted to use animals in such a way .that would violate their dignity

According to these three main principles, in normal conditions man is not permitted to bring (premature) death to the animals, endanger their physical health, cause physical .deformity, torture them, and finally, abuse them by his behavior

In abnormal (necessary) conditions, when medical research is not possible without using animals as subjects in laboratories, medical researchers are required to use .procedures that entail the lowest death rate and abuse to the animals

In such conditions, using genetic engineering and biotechnological experiments on animals that may result in their deformities, has to be carried out in such a way that while minimizing the physical and psychological torments to the animals to the lowest .possible rates, it should not offend them or degrade their spiritual status

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In the name of Allah

هَلْيَسْتَوِيالَّذِينَيَعْلَمُونَوَالَّذِينَلَايَعْلَمُونَ

?Are those who know equal to those who do not know

al-Zumar: ۹

:Introduction

Ghaemiyeh Computer Research Institute of Isfahan, from ۲۰۰۷, under the authority of Ayatollah Haj SayyedHasanFaqihImami (God blesses his soul), by sincere and daily efforts of university and seminary elites and sophisticated groups began its activities .in religious, cultural and scientific fields

:Manifesto

Ghaemiyeh Computer Research Institute of Isfahan in order to facilitate and accelerate the accessibility of researchers to the books and tools of research, in the field of Islamic science, and regarding the multiplicity and dispersion of active centers in this field

and numerous and inaccessible sources by a mere scientific intention and far from any kind of social, political, tribal and personal prejudices and currents, based on performing a project in the shape of (management of produced and published works from all Shia centers) tries to provide a rich and free collection of books and research papers for the experts, and helpful contents and discussions for the educated generation and all classes of people interested in reading, with various formats in the .cyberspace

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(propagating the culture and teachings of Thaqalayn (Quran and Ahlulbayt p.b.u.t-

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We would appreciate the centers, institutes, publications, authors and all honorable .friends who contributed their help and data to us to reach the holy goal we follow

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